

**Representative Norman K Thurston** proposes the following substitute bill:

**AMENDMENTS TO STATE BOARD OF EDUCATION**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code and Title 53A, State System of Public Education, to change the membership of, and the process for election of members of, the State Board of Education.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ repeals the nominating and recruiting committee, and related provisions, for selecting candidates for the office of State Board of Education member;
- ▶ provides that an individual may be placed on the ballot as a nonpartisan candidate for the office of State Board of Education member by filing a declaration of candidacy, obtaining signatures, and complying with other provisions described in this bill;
- ▶ describes the election process and related provisions for a State Board of Education member;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ increases the compensation of members of the State Board of Education; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides revisor instructions.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 33 **20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169
- 34 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 35 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17
- 36 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17
- 37 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17
- 38 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17
- 39 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 40 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17
- 41 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 42 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17
- 43 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 44 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 45 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 46 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 47 **53A-1-202**, as last amended by Laws of Utah 2010, Chapter 286

48 ENACTS:

- 49 **20A-14-103.5**, Utah Code Annotated 1953
- 50 **20A-14-103.6**, Utah Code Annotated 1953

51 REPEALS:

- 52 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 53 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 54 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

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

- 56 **53A-1a-506**, Utah Code Annotated 1953

- 57 [53A-1a-506.5](#), Utah Code Annotated 1953
- 58 [53A-2-119](#), Utah Code Annotated 1953
- 59 [53A-3-101](#), as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 60 [53A-11-102.5](#), Utah Code Annotated 1953
- 61 [53A-15-1202](#), Utah Code Annotated 1953

62  
63 *Be it enacted by the Legislature of the state of Utah:*

64 Section 1. Section [20A-1-507](#) is amended to read:

65 **[20A-1-507. Midterm vacancies in the State Board of Education.](#)**

66 (1) If a vacancy occurs on the State Board of Education for any reason other than the  
67 expiration of a member's term, the governor, with the consent of the Senate, shall appoint an  
68 individual to fill the vacancy [~~by appointment of a qualified member to serve out~~] for the  
69 unexpired term.

70 (2) The lieutenant governor shall issue a certificate of appointment to the appointed  
71 member and certify the appointment to the board.

72 Section 2. Section [20A-6-301](#) is amended to read:

73 **[20A-6-301. Paper ballots -- Regular general election.](#)**

74 (1) Each election officer shall ensure that:

75 (a) all paper ballots furnished for use at the regular general election contain:

76 (i) no captions or other endorsements except as provided in this section;

77 (ii) no symbols, markings, or other descriptions of a political party or group, except for  
78 a registered political party that has chosen to nominate its candidates in accordance with  
79 Section [20A-9-403](#); and

80 (iii) no indication that a candidate for elective office has been nominated by, or has  
81 been endorsed by, or is in any way affiliated with a political party or group, unless the  
82 candidate has been nominated by a registered political party in accordance with Subsection  
83 [20A-9-202](#)~~(4)~~(5) or Subsection [20A-9-403](#)(5).

84 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the  
85 top of the ballot, and divided from the rest of ballot by a perforated line;

86 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
87 stub; and

- 88 (iii) ballot stubs are numbered consecutively;
- 89 (c) immediately below the perforated ballot stub, the following endorsements are  
90 printed in 18 point bold type:
- 91 (i) "Official Ballot for \_\_\_\_ County, Utah";
- 92 (ii) the date of the election; and
- 93 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 94 (d) each ticket is placed in a separate column on the ballot in the order specified under  
95 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the  
96 column;
- 97 (e) the party name or title is printed in capital letters not less than one-fourth of an inch  
98 high;
- 99 (f) a circle one-half inch in diameter is printed immediately below the party name or  
100 title, and the top of the circle is placed not less than two inches below the perforated line;
- 101 (g) unaffiliated candidates, candidates not affiliated with a registered political party,  
102 and all other candidates for elective office who were not nominated by a registered political  
103 party in accordance with Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5), are listed  
104 in one column in the order specified under Section 20A-6-305, without a party circle, with the  
105 following instructions printed at the head of the column: "All candidates not affiliated with a  
106 political party are listed below. They are to be considered with all offices and candidates listed  
107 to the left. Only one vote is allowed for each office.";
- 108 (h) the columns containing the lists of candidates, including the party name and device,  
109 are separated by heavy parallel lines;
- 110 (i) the offices to be filled are plainly printed immediately above the names of the  
111 candidates for those offices;
- 112 (j) the names of candidates are printed in capital letters, not less than one-eighth nor  
113 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
114 lines or rules three-eighths of an inch apart;
- 115 (k) a square with sides measuring not less than one-fourth of an inch in length is  
116 printed immediately adjacent to the name of each candidate;
- 117 (l) for the offices of president and vice president and governor and lieutenant governor,  
118 one square with sides measuring not less than one-fourth of an inch in length is printed on the

119 same side as but opposite a double bracket enclosing the names of the two candidates;

120 (m) in an election in which a voter is authorized to cast a write-in vote and where a  
121 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the  
122 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as  
123 many written names of candidates as there are persons to be elected with:

124 (i) for each office on the ballot, the office to be filled plainly printed immediately  
125 above:

126 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
127 square with sides measuring not less than one-fourth of an inch in length printed immediately  
128 adjacent to the blank horizontal line; or

129 (B) for the offices of president and vice president and governor and lieutenant  
130 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
131 valid write-in candidates, and one square with sides measuring not less than one-fourth of an  
132 inch in length printed on the same side as but opposite a double bracket enclosing the two  
133 blank horizontal lines; and

134 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
135 one-half inch circle;

136 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent  
137 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated  
138 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running  
139 vertically the full length of the nonpartisan ballot copy; and

140 (o) constitutional amendments or other questions submitted to the vote of the people,  
141 are printed on the ballot after the list of candidates.

142 (2) Each election officer shall ensure that:

143 (a) each person nominated by any registered political party under Subsection  
144 20A-9-202[(4)](5) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

145 (i) under the registered political party's name and emblem, if any; or

146 (ii) under the title of the registered political party as designated by them in their  
147 certificates of nomination or petition, or, if none is designated, then under some suitable title;

148 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
149 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

150 (c) the names of the candidates for president and vice president are used on the ballot  
151 instead of the names of the presidential electors; and

152 (d) the ballots contain no other names.

153 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
154 that:

155 (a) the designation of the office to be filled in the election and the number of  
156 candidates to be elected are printed in type not smaller than eight point;

157 (b) the words designating the office are printed flush with the left-hand margin;

158 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for  
159 which the voter may vote)" extend to the extreme right of the column;

160 (d) the nonpartisan candidates are grouped according to the office for which they are  
161 candidates;

162 (e) the names in each group are placed in the order specified under Section 20A-6-305  
163 with the surnames last; and

164 (f) each group is preceded by the designation of the office for which the candidates  
165 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
166 candidates for which the voter may vote)," according to the number to be elected.

167 (4) Each election officer shall ensure that:

168 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
169 accordance with Section 20A-6-107;

170 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
171 with Section 20A-6-107; and

172 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
173 title assigned to each bond proposition under Section 11-14-206.

174 Section 3. Section 20A-6-302 is amended to read:

175 **20A-6-302. Paper ballots -- Placement of candidates' names.**

176 (1) Each election officer shall ensure, for paper ballots in regular general elections,  
177 that:

178 (a) each candidate is listed by party, if nominated by a registered political party under  
179 Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5);

180 (b) candidates' surnames are listed in alphabetical order on the ballots when two or

181 more candidates' names are required to be listed on a ticket under the title of an office; and

182 (c) the names of candidates are placed on the ballot in the order specified under Section  
183 [20A-6-305](#).

184 (2) (a) When there is only one candidate for county attorney at the regular general  
185 election in counties that have three or fewer registered voters of the county who are licensed  
186 active members in good standing of the Utah State Bar, the county clerk shall cause that  
187 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
188 with the following question: "Shall (name of candidate) be elected to the office of county  
189 attorney? Yes \_\_\_\_ No \_\_\_\_."

190 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
191 elected to the office of county attorney.

192 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
193 elected and may not take office, nor may the candidate continue in the office past the end of the  
194 term resulting from any prior election or appointment.

195 (d) When the name of only one candidate for county attorney is printed on the ballot  
196 under authority of this Subsection (2), the county clerk may not count any write-in votes  
197 received for the office of county attorney.

198 (e) If no qualified person files for the office of county attorney or if the candidate is not  
199 elected by the voters, the county legislative body shall appoint the county attorney as provided  
200 in Section [20A-1-509.2](#).

201 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on  
202 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the  
203 two consecutive terms immediately preceding the term for which the candidate is seeking  
204 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an  
205 unopposed candidate the same as any other unopposed candidate for another office, unless a  
206 petition is filed with the county clerk before the date of that year's primary election that:

207 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

208 (ii) contains the signatures of registered voters in the county representing in number at  
209 least 25% of all votes cast in the county for all candidates for governor at the last election at  
210 which a governor was elected.

211 (3) (a) When there is only one candidate for district attorney at the regular general

212 election in a prosecution district that has three or fewer registered voters of the district who are  
213 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
214 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
215 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
216 attorney? Yes \_\_\_\_ No \_\_\_\_."

217 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
218 elected to the office of district attorney.

219 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
220 elected and may not take office, nor may the candidate continue in the office past the end of the  
221 term resulting from any prior election or appointment.

222 (d) When the name of only one candidate for district attorney is printed on the ballot  
223 under authority of this Subsection (3), the county clerk may not count any write-in votes  
224 received for the office of district attorney.

225 (e) If no qualified person files for the office of district attorney, or if the only candidate  
226 is not elected by the voters under this subsection, the county legislative body shall appoint a  
227 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

228 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
229 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
230 two consecutive terms immediately preceding the term for which the candidate is seeking  
231 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an  
232 unopposed candidate the same as any other unopposed candidate for another office, unless a  
233 petition is filed with the county clerk before the date of that year's primary election that:

234 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

235 (ii) contains the signatures of registered voters in the county representing in number at  
236 least 25% of all votes cast in the county for all candidates for governor at the last election at  
237 which a governor was elected.

238 Section 4. Section **20A-6-303** is amended to read:

239 **20A-6-303. Regular general election -- Ballot sheets.**

240 (1) Each election officer shall ensure that:

241 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in  
242 approximately the same order as paper ballots;



243 (b) the titles of offices and the names of candidates are printed in vertical columns or in  
244 a series of separate pages;

245 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to  
246 include, after the list of candidates:

247 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

248 (ii) any ballot propositions submitted to the voters for their approval or rejection;

249 (d) (i) a voting square or position is included where the voter may record a straight  
250 party ticket vote for all the candidates of one party by one mark or punch; and

251 (ii) the name of each political party listed in the straight party selection area includes  
252 the word "party" at the end of the party's name;

253 (e) the tickets are printed in the order specified under Section 20A-6-305;

254 (f) the office titles are printed immediately adjacent to the names of candidates so as to  
255 indicate clearly the candidates for each office and the number to be elected;

256 (g) the party designation of each candidate who has been nominated by a registered  
257 political party under Subsection 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5) is printed  
258 immediately adjacent to the candidate's name; and

259 (h) (i) if possible, all candidates for one office are grouped in one column or upon one  
260 page;

261 (ii) if all candidates for one office cannot be listed in one column or grouped on one  
262 page:

263 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of  
264 candidates is continued on the following column or page; and

265 (B) approximately the same number of names shall be printed in each column or on  
266 each page.

267 (2) Each election officer shall ensure that:

268 (a) proposed amendments to the Utah Constitution are listed in accordance with  
269 Section 20A-6-107;

270 (b) ballot propositions submitted to the voters are listed in accordance with Section  
271 20A-6-107; and

272 (c) bond propositions that have qualified for the ballot are listed under the title  
273 assigned to each bond proposition under Section 11-14-206.

274 Section 5. Section 20A-6-304 is amended to read:

275 **20A-6-304. Regular general election -- Electronic ballots.**

276 (1) Each election officer shall ensure that:

277 (a) the format and content of the electronic ballot is arranged in approximately the  
278 same order as paper ballots;

279 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
280 in a series of separate display screens;

281 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

282 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

283 (ii) any ballot propositions submitted to the voters for their approval or rejection;

284 (d) (i) a voting square or position is included where the voter may record a straight  
285 party ticket vote for all the candidates of one party by making a single selection; and

286 (ii) the name of each political party listed in the straight party selection area includes  
287 the word "party" at the end of the party's name;

288 (e) the tickets are displayed in the order specified under Section 20A-6-305;

289 (f) the office titles are displayed above or at the side of the names of candidates so as to  
290 indicate clearly the candidates for each office and the number to be elected;

291 (g) the party designation of each candidate who has been nominated by a registered  
292 political party under Subsection 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5) is displayed  
293 adjacent to the candidate's name; and

294 (h) if possible, all candidates for one office are grouped in one column or upon one  
295 display screen.

296 (2) Each election officer shall ensure that:

297 (a) proposed amendments to the Utah Constitution are displayed in accordance with  
298 Section 20A-6-107;

299 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
300 20A-6-107; and

301 (c) bond propositions that have qualified for the ballot are displayed under the title  
302 assigned to each bond proposition under Section 11-14-206.

303 Section 6. Section 20A-9-201 is amended to read:

304 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**

305 **more than one political party prohibited with exceptions -- General filing and form**  
306 **requirements -- Affidavit of impecuniosity.**

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

308 (a) be a United States citizen;

309 (b) meet the legal requirements of that office; and

310 (c) if seeking a registered political party's nomination as a candidate for elective office,  
311 designate that registered political party as their preferred party affiliation on their declaration of  
312 candidacy.

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

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

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

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

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

323 (iii) A person may file a declaration of candidacy for lieutenant governor even if the  
324 person filed a declaration of candidacy for another office in the same election year if the person  
325 withdraws as a candidate for the other office in accordance with Subsection ~~20A-9-202(6)~~(7)  
326 before filing the declaration of candidacy for lieutenant governor.

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

329 ~~(A)~~ (a) read to the prospective candidate the constitutional and statutory qualification  
330 requirements for the office that the candidate is seeking; and

331 ~~(B)~~ (b) require the candidate to state whether or not the candidate meets those  
332 requirements.

333 ~~(ii)~~ (4) Before accepting a declaration of candidacy for the office of county attorney,  
334 the county clerk shall ensure that the person filing that declaration of candidacy is:

335 ~~(A)~~ (a) a United States citizen;

336           ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good  
337 standing of the Utah State Bar;

338           ~~[(C)]~~ (c) a registered voter in the county in which the person is seeking office; and

339           ~~[(D)]~~ (d) a current resident of the county in which the person is seeking office and  
340 either has been a resident of that county for at least one year or was appointed and is currently  
341 serving as county attorney and became a resident of the county within 30 days after  
342 appointment to the office.

343           ~~[(iii)]~~ (5) Before accepting a declaration of candidacy for the office of district attorney,  
344 the county clerk shall ensure that, as of the date of the election, the person filing that  
345 declaration of candidacy is:

346           ~~[(A)]~~ (a) a United States citizen;

347           ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good  
348 standing of the Utah State Bar;

349           ~~[(C)]~~ (c) a registered voter in the prosecution district in which the person is seeking  
350 office; and

351           ~~[(D)]~~ (d) a current resident of the prosecution district in which the person is seeking  
352 office and either will have been a resident of that prosecution district for at least one year as of  
353 the date of the election or was appointed and is currently serving as district attorney and  
354 became a resident of the prosecution district within 30 days after receiving appointment to the  
355 office.

356           ~~[(iv)]~~ (6) Before accepting a declaration of candidacy for the office of county sheriff,  
357 the county clerk shall ensure that the person filing the declaration of candidacy:

358           ~~[(A)]~~ (a) as of the date of filing:

359           ~~[(i)]~~ (i) is a United States citizen;

360           ~~[(ii)]~~ (ii) is a registered voter in the county in which the person seeks office;

361           ~~[(iii)-(Aa)]~~ (iii) (A) has successfully met the standards and training requirements  
362 established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer  
363 Training and Certification Act; or

364           ~~[(Bb)]~~ (B) has met the waiver requirements in Section [53-6-206](#); and

365           ~~[(iv)]~~ (iv) is qualified to be certified as a law enforcement officer, as defined in  
366 Section [53-13-103](#); and

367           ~~[(B)]~~ (b) as of the date of the election, shall have been a resident of the county in which  
368 the person seeks office for at least one year.

369           ~~[(v)]~~ (7) Before accepting a declaration of candidacy for the office of governor,  
370 lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State  
371 Board of Education member, the filing officer shall ensure:

372           ~~[(A)]~~ (a) that the person filing the declaration of candidacy also files the financial  
373 disclosure required by Section 20A-11-1603; and

374           ~~[(B)]~~ (b) if the filing officer is not the lieutenant governor, that the financial disclosure  
375 is provided to the lieutenant governor according to the procedures and requirements of Section  
376 20A-11-1603.

377           ~~[(b)]~~ (8) If the prospective candidate states that the qualification requirements for the  
378 office are not met, the filing officer may not accept the prospective candidate's declaration of  
379 candidacy.

380           ~~[(c)]~~ (9) If the candidate meets the requirements of ~~[Subsection (3)(a)]~~ Subsections (3)  
381 through (7) and states that the requirements of candidacy are met, the filing officer shall:

382           ~~[(i)]~~ (a) inform the candidate that:

383           ~~[(A)]~~ (i) the candidate's name will appear on the ballot as it is written on the  
384 declaration of candidacy;

385           ~~[(B)]~~ (ii) the candidate may be required to comply with state or local campaign finance  
386 disclosure laws; and

387           ~~[(C)]~~ (iii) the candidate is required to file a financial statement before the candidate's  
388 political convention under:

389           ~~[(i)]~~ (A) Section 20A-11-204 for a candidate for constitutional office;

390           ~~[(ii)]~~ (B) Section 20A-11-303 for a candidate for the Legislature; or

391           ~~[(iii)]~~ (C) local campaign finance disclosure laws, if applicable;

392           ~~[(i)]~~ (b) except for a presidential candidate, provide the candidate with a copy of the  
393 current campaign financial disclosure laws for the office the candidate is seeking and inform  
394 the candidate that failure to comply will result in disqualification as a candidate and removal of  
395 the candidate's name from the ballot;

396           ~~[(ii)]~~ (c) provide the candidate with a copy of Section 20A-7-801 regarding the  
397 Statewide Electronic Voter Information Website Program and inform the candidate of the

398 submission deadline under Subsection 20A-7-801(4)(a);

399 [(iv)] (d) provide the candidate with a copy of the pledge of fair campaign practices  
400 described under Section 20A-9-206 and inform the candidate that:

401 [(A)] (i) signing the pledge is voluntary; and

402 [(B)] (ii) signed pledges shall be filed with the filing officer;

403 [(v)] (e) accept the candidate's declaration of candidacy; and

404 [(vi)] (f) if the candidate has filed for a partisan office, provide a certified copy of the  
405 declaration of candidacy to the chair of the county or state political party of which the  
406 candidate is a member.

407 [(d)] (10) If the candidate elects to sign the pledge of fair campaign practices, the filing  
408 officer shall:

409 [(i)] (a) accept the candidate's pledge; and

410 [(ii)] (b) if the candidate has filed for a partisan office, provide a certified copy of the  
411 candidate's pledge to the chair of the county or state political party of which the candidate is a  
412 member.

413 [(4)] (11) (a) Except for presidential candidates~~[, the form of]~~ and candidates for a  
414 nonpartisan office, the lieutenant governor shall create a form for the declaration of candidacy  
415 [shall be] to read substantially as follows:

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

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

426 \_\_\_\_\_.

427 \_\_\_\_\_

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

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

430 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)  
431 may not sign the form described in Subsection ~~[(4)]~~ (11)(a).

432 (12) (a) The lieutenant governor shall create a form for the declaration of candidacy for  
433 a nonpartisan office to read substantially as follows:

434 "State of Utah, County of \_\_\_\_\_  
435 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_. I do solemnly  
436 swear that: I will meet the qualifications to hold the office, both legally and  
437 constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,  
438 Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing  
439 campaigns and elections; I will file all campaign financial disclosure reports as required  
440 by law; and I understand that failure to do so will result in my disqualification as a  
441 candidate for this office and removal of my name from the ballot. The mailing address  
442 that I designate for receiving official election notices is  
443 \_\_\_\_\_.  
444 \_\_\_\_\_

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

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

447 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)  
448 may not sign the form described in Subsection (12)(a).

449 ~~[(5)]~~ (13) (a) Except for presidential candidates, the fee for filing a declaration of  
450 candidacy is:

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

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

- 456 (i) who is disqualified; or
- 457 (ii) who the filing officer determines has filed improperly.

458 ~~[(c)-(i)]~~ (14) (a) The county clerk shall immediately pay to the county treasurer all fees  
459 received from candidates.

460 [(ii)] (b) The lieutenant governor shall:

461 [(A)] (i) apportion to and pay to the county treasurers of the various counties all fees  
462 received for filing of nomination certificates or acceptances; and

463 [(B)] (ii) ensure that each county receives that proportion of the total amount paid to  
464 the lieutenant governor from the congressional district that the total vote of that county for all  
465 candidates for representative in Congress bears to the total vote of all counties within the  
466 congressional district for all candidates for representative in Congress.

467 [(d)(i)] (15) (a) A person who is unable to pay the filing fee may file a declaration of  
468 candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as  
469 evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the  
470 filing officer, a financial statement filed at the time the affidavit is submitted.

471 [(ii)] (b) A person who is able to pay the filing fee may not claim impecuniosity.

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

475 [(B)] (d) Conviction of a criminal offense under Subsection [(5)(d)(iii)(A)] (15)(c)  
476 shall be considered an offense under this title for the purposes of assessing the penalties  
477 provided in Subsection 20A-1-609(2).

478 [(iv)] (e) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
479 substantially the following form:

480 "Affidavit of Impecuniosity

481 Individual Name \_\_\_\_\_

482 \_\_\_\_\_ Address \_\_\_\_\_

483 Phone Number \_\_\_\_\_

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

487 Date \_\_\_\_\_ Signature \_\_\_\_\_

488 Affiant

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

490 \_\_\_\_\_



491 (signature)  
492 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

493 ~~[(v)]~~ (f) The filing officer shall provide to a person who requests an affidavit of  
494 impecuniosity a statement printed in substantially the following form, which may be included  
495 on the affidavit of impecuniosity:

496 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
497 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
498 penalties, will be removed from the ballot."

499 ~~[(vi)]~~ (g) The filing officer may request that a person who makes a claim of  
500 impecuniosity under this Subsection ~~[(5)(d)]~~ (15) file a financial statement on a form prepared  
501 by the election official.

502 ~~[(6)]~~ (16) (a) If there is no legislative appropriation for the Western States Presidential  
503 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
504 president of the United States who is affiliated with a registered political party and chooses to  
505 participate in the regular primary election shall:

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

  - 508 (A) on a form developed and provided by the lieutenant governor; and
  - 509 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
  - 510 March before the next regular primary election;
  - 511 (ii) identify the registered political party whose nomination the candidate is seeking;
  - 512 (iii) provide a letter from the registered political party certifying that the candidate may
  - 513 participate as a candidate for that party in that party's presidential primary election; and
  - 514 (iv) pay the filing fee of \$500.

515 (b) An agent designated to file a declaration of candidacy may not sign the form  
516 described in Subsection ~~[(6)]~~ (16)(a)(i)(A).

517 ~~[(7)]~~ (17) Any person who fails to file a declaration of candidacy or certificate of  
518 nomination within the time provided in this chapter is ineligible for nomination to office.

519 ~~[(8) A]~~ (18) Except as provided in Subsection 20A-9-202(5)(c) or 20A-14-103.5(4)(c),  
520 a person may not amend or modify a declaration of candidacy filed under this section ~~[may not~~  
521 ~~be amended or modified]~~ after the final date established for filing a declaration of candidacy.

522 Section 7. Section 20A-9-202 is amended to read:

523 **20A-9-202. Declarations of candidacy for regular general elections.**

524 (1) [~~(a) Each person seeking~~] An individual who desires to become a candidate for an  
525 elective office, other than a State Board of Education office, that is to be filled at the next  
526 regular general election shall:

527 [(i)] (a) file a declaration of candidacy in person with the filing officer:

528 (i) on or after January 1 of the regular general election year[;] and before the candidate  
529 circulates a nomination [~~petitions~~] petition under Section 20A-9-405; and

530 (ii) in accordance with the requirements of Section 20A-9-201; and

531 [(ii)] (b) pay the filing fee.

532 [(b)] (2) (a) Each county clerk who receives a declaration of candidacy from a  
533 candidate for multicounty office shall transmit the filing fee and a copy of the candidate's  
534 declaration of candidacy to the lieutenant governor within one working day after [~~it is filed~~] the  
535 day on which the candidate files the declaration of candidacy.

536 [(c)] (b) Each day during the filing period, each county clerk shall notify the lieutenant  
537 governor electronically or by telephone of candidates who have filed [~~in their~~] a declaration of  
538 candidacy in the county clerk's office.

539 [(d) Each person seeking] (c) An individual who desires to become a candidate for the  
540 office of lieutenant governor, the office of district attorney, or the office of president or vice  
541 president of the United States shall comply with the specific declaration of candidacy  
542 requirements [~~established by~~] described in this section.

543 [(2)] (3) (a) [~~Each person intending~~] An individual who desires to become a candidate  
544 for the office of district attorney within a multicounty prosecution district that is to be filled at  
545 the next regular general election shall:

546 (i) [~~file a declaration of candidacy with the clerk designated in the interlocal agreement~~  
547 ~~creating the prosecution district~~] on or after January 1 of the regular general election year, and  
548 before the candidate circulates nomination petitions under Section 20A-9-405, file a  
549 declaration of candidacy with the clerk designated in the interlocal agreement creating the  
550 prosecution district; and

551 (ii) pay the filing fee.

552 (b) The designated clerk shall provide to the county clerk of each county in the

553 prosecution district a certified copy of each declaration of candidacy filed for the office of  
554 district attorney.

555 ~~[(3)]~~ (4) (a) On or before 5 p.m. on the first Monday after the third Saturday in April,  
556 each lieutenant governor candidate shall:

557 (i) file a declaration of candidacy with the lieutenant governor;

558 (ii) pay the filing fee; and

559 (iii) submit a letter from a candidate for governor who has received certification for the  
560 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate  
561 as a joint-ticket running mate.

562 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a  
563 lieutenant governor is disqualified, another candidate shall file to replace the disqualified  
564 candidate.

565 ~~[(4)]~~ (5) Each registered political party shall:

566 (a) certify the names of ~~[its]~~ the registered political party's candidates for president and  
567 vice president of the United States to the lieutenant governor no later than August 31; or

568 (b) provide written authorization for the lieutenant governor to accept the certification  
569 of candidates for president and vice president of the United States from the national office of  
570 the registered political party.

571 ~~[(5)]~~ (6) (a) A declaration of candidacy filed under this section is valid unless an  
572 individual files a written objection ~~[is filed]~~ with the clerk or lieutenant governor within five  
573 days after the ~~[last day for filing]~~ day of the deadline for filing a declaration of candidacy.

574 (b) If an ~~[objection is made]~~ individual files an objection, the clerk or lieutenant  
575 governor shall:

576 (i) immediately mail or personally deliver notice of the objection to the affected  
577 candidate ~~[immediately]~~; and

578 (ii) decide any objection within 48 hours after ~~[it]~~ the objection is filed.

579 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if  
580 possible, cure the problem by amending the declaration or nomination petition, or by filing a  
581 new declaration, within three days after the day on which the objection is sustained ~~[or by filing~~  
582 ~~a new declaration within three days after the objection is sustained]~~.

583 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

584 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
585 by a district court if prompt application is made to the court.

586 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
587 of [its] discretion, agrees to review the lower court decision.

588 ~~[(6)]~~ (7) ~~[Any person who filed a declaration of candidacy]~~ A candidate may withdraw  
589 as a candidate by filing a written affidavit with the clerk.

590 ~~[(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement~~  
591 ~~in this section to file a declaration of candidacy in person, a person]~~

592 (8) Subject to Subsection 20A-9-201(11)(b), an individual may designate an agent to  
593 file the form described in Subsection 20A-9-201~~[(4)]~~(11) in person with the filing officer if:

594 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

595 (i) of employment with the state or the United States; or

596 (ii) the ~~[person]~~ individual is a member of:

597 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
598 Coast Guard of the United States ~~[who]~~, and is on active duty;

599 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
600 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
601 States; or

602 (C) the National Guard and is on activated status;

603 (b) the ~~[person]~~ individual communicates with the filing officer using an electronic  
604 device that allows the ~~[person]~~ individual and filing officer to see and hear each other; and

605 (c) the ~~[person]~~ individual provides the filing officer with an email address to which  
606 the filing officer may send the copies described in Subsection 20A-9-201~~[(3)]~~(9).

607 Section 8. Section **20A-9-403** is amended to read:

608 **20A-9-403. Regular primary elections.**

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

615 Section 20A-9-601.

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

620 (c) A filing officer may not permit an official ballot at a regular general election to be  
621 produced or used if the ballot denotes affiliation between a registered political party or any  
622 other political group and a candidate for elective office who was not nominated in the manner  
623 prescribed in this section or in Subsection 20A-9-202~~(4)~~(5).

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

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

628 (i) either declare their intent to participate in the next regular primary election or  
629 declare that the registered political party chooses not to have the names of its candidates for  
630 elective office featured on the ballot at the next regular general election;

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

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

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

643 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a  
644 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
645 office on the regular primary ballot of the registered political party listed on the declaration of

646 candidacy only if the person is certified by the appropriate filing officer as having submitted a  
647 set of nomination petitions that was:

648 (i) circulated and completed in accordance with Section 20A-9-405; and  
649 (ii) signed by at least two percent of the registered political party's members who reside  
650 in the political division of the office that the person seeks.

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

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

660 (d) The filing officer shall:

661 (i) verify signatures on nomination petitions in a transparent and orderly manner;  
662 (ii) for all qualifying candidates for elective office who submitted nomination petitions  
663 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on  
664 the first Monday after the third Saturday in April;

665 (iii) consider active and inactive voters eligible to sign nomination petitions;

666 (iv) consider a person who signs a nomination petition a member of a registered  
667 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered  
668 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.  
669 on the final day in March; and

670 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination  
671 petition signatures, or use statistical sampling procedures to verify submitted nomination  
672 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

673 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant  
674 governor may appear on the regular primary ballot of a registered political party without  
675 submitting nomination petitions if the candidate files a declaration of candidacy and complies  
676 with Subsection 20A-9-202[(3)](4).

677 (f) The lieutenant governor shall issue rules that provide for the use of statistical  
678 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The  
679 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a  
680 candidate's entire submission, using widely recognized statistical sampling techniques. The  
681 lieutenant governor may also issue supplemental rules and guidance that provide for the  
682 transparent, orderly, and timely submission, verification, and certification of nomination  
683 petition signatures.

684 (g) The county clerk shall:

685 (i) review the declarations of candidacy filed by candidates for local boards of  
686 education to determine if more than two candidates have filed for the same seat;

687 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
688 local board of education seat on the nonpartisan section of the ballot if more than two  
689 candidates have filed for the same seat; and

690 (iii) determine the order of the local board of education candidates' names on the ballot  
691 in accordance with Section [20A-6-305](#).

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

694 (i) a list of the names of all candidates for federal, constitutional, multi-county, and  
695 county offices who have received certifications under Subsection (3), along with instructions  
696 on how those names shall appear on the primary-election ballot in accordance with Section  
697 [20A-6-305](#); and

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

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

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

706 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,

707 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan

708 local school board positions listed on the primary ballot. The polling place for voting precinct  
709 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

710 Attest: county clerk."

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

715 (b) If two or more candidates, other than presidential candidates, are to be elected to  
716 the office at the regular general election, those party candidates equal in number to positions to  
717 be filled who receive the highest number of votes at the regular primary election are the  
718 nominees of their party for those positions.

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

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

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

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

737 Section 9. Section **20A-9-407** is amended to read:

738 **20A-9-407. Convention nomination process for qualified political party.**



739 (1) This section describes the requirements for a member of a qualified political party  
740 who is seeking the nomination of a qualified political party for an elective office through the  
741 qualified political party's convention nomination process.

742 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of  
743 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
744 the nomination of, the qualified political party under this section shall be substantially as  
745 follows:

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

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

755 \_\_\_\_\_  
756 \_\_\_\_\_.

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

759 (3) Notwithstanding Subsection 20A-9-202(1)[~~(a)~~], and except as provided in  
760 Subsection 20A-9-202[~~(4)~~](5), a member of a qualified political party who, under this section,  
761 is seeking the nomination of the qualified political party for an elective office that is to be filled  
762 at the next general election, shall:

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

766 (b) pay the filing fee.

767 (4) Notwithstanding Subsection 20A-9-202[~~(2)~~](3)(a), a member of a qualified  
768 political party who, under this section, is seeking the nomination of the qualified political party  
769 for the office of district attorney within a multicounty prosecution district that is to be filled at

770 the next general election shall:

771 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
772 agreement creating the prosecution district on or after the second Friday in March and before 5  
773 p.m. on the third Thursday in March before the next regular general election; and

774 (b) pay the filing fee.

775 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor  
776 candidate who files as the joint-ticket running mate of an individual who is nominated by a  
777 qualified political party, under this section, for the office of governor shall submit a letter from  
778 the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
779 running mate.

780 (6) The lieutenant governor shall ensure that the certification described in Subsection  
781 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
782 under this section.

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

786 Section 10. Section 20A-9-408 is amended to read:

787 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

791 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of  
792 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
793 the nomination of, the qualified political party under this section shall be substantially as  
794 follows:

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

796 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
797 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
798 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
799 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
800 any law governing campaigns and elections; I will file all campaign financial disclosure reports

801 as required by law; and I understand that failure to do so will result in my disqualification as a  
802 candidate for this office and removal of my name from the ballot. The mailing address that I  
803 designate for receiving official election notices is

804 \_\_\_\_\_  
805 \_\_\_\_\_.

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

808 (3) Notwithstanding Subsection 20A-9-202(1)(~~a~~), and except as provided in  
809 Subsection 20A-9-202(~~4~~)(5), a member of a qualified political party who, under this section,  
810 is seeking the nomination of the qualified political party for an elective office that is to be filled  
811 at the next general election shall:

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

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

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

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

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

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

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

826 (c) pay the filing fee.

827 (4) Notwithstanding Subsection 20A-9-202(~~2~~)(3)(a), a member of a qualified  
828 political party who, under this section, is seeking the nomination of the qualified political party  
829 for the office of district attorney within a multicounty prosecution district that is to be filled at  
830 the next general election shall:

831 (a) on or after January 1 before the next regular general election, and before gathering

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

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

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

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

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

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

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

844 (c) pay the filing fee.

845 (5) Notwithstanding Subsection 20A-9-202~~(3)~~(4)(a)(iii), a lieutenant governor  
846 candidate who files as the joint-ticket running mate of an individual who is nominated by a  
847 qualified political party, under this section, for the office of governor shall submit a letter from  
848 the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
849 running mate.

850 (6) The lieutenant governor shall ensure that the certification described in Subsection  
851 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
852 under this section.

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

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

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

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

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

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

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

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

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

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

881 (i) collect the signatures on a form approved by the lieutenant governor's office, using  
882 the same circulation and verification requirements described in Sections [20A-7-304](#) and  
883 [20A-7-305](#); and

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

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

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

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

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

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

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

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

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

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

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

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

917 Section 11. Section 20A-9-701 is amended to read:

918 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

919 (1) No later than August 31 of each regular general election year, the lieutenant  
920 governor shall certify to each county clerk the names of each candidate nominated under  
921 Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5) for offices to be voted upon at the  
922 regular general election in that county clerk's county.

923 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
924 the ballot as they are provided on the candidate's declaration of candidacy. No other names

925 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered  
 926 political party, political party, or other political group.

927 Section 12. Section **20A-11-1005** is amended to read:

928 **20A-11-1005. Fines for failing to file a financial statement.**

929 (1) Except as provided in Subsections **20A-11-512(1)(b)** and (4), the chief election  
 930 officer shall fine a filing entity \$100 for failing to file a financial statement by the filing  
 931 deadline.

932 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a  
 933 manner similar to Subsection **20A-9-201~~(5)(d)~~(15)**, the chief election officer shall impose the  
 934 fine against the candidate or treasurer, as appropriate.

935 (3) The chief election officer shall deposit fines collected under this chapter in the  
 936 General Fund.

937 Section 13. Section **20A-14-101.1** is amended to read:

938 **CHAPTER 14. ELECTION OF STATE AND LOCAL SCHOOL BOARDS**

939 **20A-14-101.1. Title -- Definitions.**

940 (1) This chapter is known as "Election of State and Local School Boards."

941 (2) As used in this part:

942 ~~(1)~~ (a) "Board" means the State Board of Education.

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

945 ~~(3)~~ (c) "Board shapefile" means the electronic shapefile that stores the boundary of  
 946 each of the 15 State Board of Education districts.

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

951 ~~(5)~~ (e) "Shapefile" means the digital vector storage format for storing geometric  
 952 location and associated attribute information.

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

954 **20A-14-103. State Board of Education members -- When elected -- Qualifications**  
 955 **-- Avoiding conflicts of interest.**

956 (1) (a) Unless otherwise provided by law, each State Board of Education member  
957 elected from a State Board of Education District at the 2010 general election shall:

- 958 (i) serve out the term of office for which that member was elected; and
- 959 (ii) represent the realigned district if the member resides in that district.

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

963 (c) In order to ensure that the terms of approximately half of the State Board of  
964 Education members expire every two years:

965 (i) at the general election to be held in 2012, the State Board of Education member  
966 elected from State Board of Education District 1 shall be elected to serve a term of office of  
967 two years; and

968 (ii) at the general election to be held in 2014, the State Board of Education member  
969 elected from State Board of Education District 1 shall be elected to serve a term of office of  
970 four years.

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

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

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

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

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

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

- 984 (a) the State Board of Education;
- 985 (b) the Utah State Office of Education; or
- 986 (c) the Utah State Office of Rehabilitation.



987 (5) The provisions of Section 20A-9-403 do not apply to the election of a State Board  
988 of Education member. The election of a State Board of Education member is governed by this  
989 chapter.

990 Section 15. Section **20A-14-103.5** is enacted to read:

991 **20A-14-103.5. State Board of Education -- Candidacy.**

992 (1) The office of State Board of Education member is a nonpartisan office.

993 (2) An individual who desires to be a candidate for the office of State Board of  
994 Education member shall:

995 (a) file a declaration of candidacy in person with the filing officer:

996 (i) on or after January 1 of the regular general election year and before the individual  
997 circulates a nomination petition described in Section 20A-14-103.6; and

998 (ii) in accordance with the procedures and requirements of Section 20A-9-201; and

999 (b) pay the filing fee.

1000 (3) (a) Each county clerk who receives a declaration of candidacy described in this  
1001 section from a candidate for multicounty office shall transmit the filing fee and a copy of the  
1002 candidate's declaration of candidacy to the lieutenant governor within one working day after the  
1003 day on which the candidate files the declaration of candidacy.

1004 (b) Each day during the filing period, each county clerk shall notify the lieutenant  
1005 governor electronically or by telephone of candidates who have filed a declaration of candidacy  
1006 described in this section in the county clerk's office.

1007 (4) (a) A declaration of candidacy filed under this section is valid unless an individual  
1008 files a written objection with the clerk or lieutenant governor within five days after the day of  
1009 the deadline for filing a declaration of candidacy.

1010 (b) If an individual files an objection, the clerk or lieutenant governor shall:

1011 (i) immediately mail or personally deliver notice of the objection to the affected  
1012 candidate; and

1013 (ii) decide any objection within 48 hours after the objection is filed.

1014 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if  
1015 possible, cure the problem by amending the declaration or nomination petition, or by filing a  
1016 new declaration, within three days after the day on which the objection is sustained.

1017 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1018 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
1019 by a district court if prompt application is made to the court.

1020 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1021 of discretion, agrees to review the lower court decision.

1022 (5) A candidate may withdraw as a candidate by filing a written affidavit with the  
1023 clerk.

1024 (6) Notwithstanding Subsection (2)(a), and subject to Subsection [20A-9-201\(12\)\(b\)](#), an  
1025 individual may designate an agent to file the form described in Subsection [20A-9-201\(12\)](#) in  
1026 person with the filing officer if:

1027 (a) the individual is located outside the state during the filing period because:

1028 (i) of employment with the state or the United States; or

1029 (ii) the individual is a member of:

1030 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
1031 Coast Guard of the United States, and is on active duty;

1032 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
1033 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
1034 States; or

1035 (C) the National Guard and is on activated status;

1036 (b) the individual communicates with the filing officer using an electronic device that  
1037 allows the individual and the filing officer to see and hear each other; and

1038 (c) the individual provides the filing officer with an email address to which the filing  
1039 officer may send the copies described in Subsection [20A-9-201\(9\)](#).

1040 Section 16. Section **20A-14-103.6** is enacted to read:

1041 **20A-14-103.6. Signature-gathering process for State Board of Education --**

1042 **Verification of signatures -- Placement on ballot.**

1043 (1) A candidate who is seeking placement on the ballot for the office of member of the  
1044 State Board of Education shall, after complying with the requirements of Subsection  
1045 [20A-14-103.5\(2\)](#):

1046 (a) during the period beginning on January 1 of an even-numbered year and ending at 5  
1047 p.m. on the second Friday in April, collect signatures of at least 2,000 registered voters who  
1048 reside in the same State Board of Education district as the candidate, including, from each

1049 school district within that State Board of Education district, signatures of the lesser of:  
1050 (i) at least 300 registered voters who reside in that school district; or  
1051 (ii) at least 2% of the registered voters who reside in that school district;  
1052 (b) collect the signatures described in Subsection (1)(a) on a nomination petition form  
1053 created by the lieutenant governor's office, in accordance with, and subject to, the same  
1054 circulation and verification requirements described in Sections [20A-7-304](#) and [20A-7-305](#); and  
1055 (c) submit the signatures described in Subsection (1)(a) to the election officer no later  
1056 than 5 p.m. on the second Friday in April.  
1057 (2) Upon timely receipt of the signatures described in this section, the election officer  
1058 shall, no later than seven days after the day on which the election officer receives the  
1059 signatures:  
1060 (a) check the name of each individual who completes the verification for a signature  
1061 packet to determine whether each individual is a resident of Utah and is at least 18 years old;  
1062 (b) submit the name of each individual described in Subsection (2)(a) who is not a  
1063 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;  
1064 (c) determine whether each signer is a registered voter who is qualified to sign the  
1065 nomination petition form, using the same method described in Section [20A-7-206.3](#) to verify a  
1066 signature on a petition;  
1067 (d) certify whether each name is the name of a registered voter who is qualified to sign  
1068 the signature packet; and  
1069 (e) certify the candidate for placement on the ballot if the election officer determines  
1070 that the candidate:  
1071 (i) has complied with the requirements of this section and Section [20A-14-103.5](#); and  
1072 (ii) obtained the signatures described in Subsection (1)(a).  
1073 (3) (a) If more than two candidates qualify to be placed on the ballot for one State  
1074 School Board District, the election officer shall certify the candidates for placement on the  
1075 regular primary election ballot.  
1076 (b) The election officer shall place the names of the two candidates who receive the  
1077 highest number of votes in a primary election for a State School Board District on the general  
1078 election ballot.  
1079 (c) If only one or two candidates qualify to be placed on the ballot for one State School

1080 Board District, the election officer:

1081 (i) shall certify the name of each candidate for placement on the regular general  
1082 election ballot; and

1083 (ii) may not place the name of a candidate described in Subsection (3)(c)(i) on the  
1084 primary election ballot.

1085 Section 17. Section **53A-1-101** is amended to read:

1086 **53A-1-101. State Board of Education -- Members.**

1087 ~~[(1) Members of the]~~ The State Board of Education shall [be nominated and] consist of  
1088 15 members, elected as provided in Title 20A, Chapter 14, ~~[Nomination and]~~ Election of State  
1089 and Local School Boards.

1090 ~~[(2) (a) In addition to the members designated under Subsection (1), the following~~  
1091 ~~members shall serve as nonvoting members of the State Board of Education:]~~

1092 ~~[(i) two members of the State Board of Regents, appointed by the chair of the State~~  
1093 ~~Board of Regents;]~~

1094 ~~[(ii) one member of the Utah College of Applied Technology Board of Trustees,~~  
1095 ~~appointed by the chair of the board of trustees; and]~~

1096 ~~[(iii) one member of the State Charter School Board, appointed by the chair of the State~~  
1097 ~~Charter School Board.]~~

1098 ~~[(b) A nonvoting member shall continue to serve as a member without a set term until~~  
1099 ~~the member is replaced by the chair of the State Board of Regents, chair of the Utah College of~~  
1100 ~~Applied Technology Board of Trustees, or chair of the State Charter School Board, as~~  
1101 ~~applicable.]~~

1102 Section 18. Section **53A-1-202** is amended to read:

1103 **53A-1-202. Compensation for services -- Insurance -- Per diem and expenses.**

1104 (1) Each member of the State Board of Education shall receive \$3,000 per year,  
1105 payable monthly, as compensation for services.

1106 (2) A board member may participate in any group insurance plan provided to  
1107 employees of the State Office of Education as part of their compensation on the same basis as  
1108 required for employee participation.

1109 (3) In addition to the provisions of Subsections (1) and (2), a board member may  
1110 receive per diem and travel expenses in accordance with:

- 1111 (a) Section [63A-3-106](#);
- 1112 (b) Section [63A-3-107](#); and
- 1113 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 1114 [63A-3-107](#).

1115 (4) In addition to the provisions of Subsections (1) through (3), a board member may  
1116 receive \$273 for each day on which the board member attends a meeting of the State Board of  
1117 Education.

1118 Section 19. **Repealer.**

1119 This bill repeals:

1120 Section [20A-14-104](#), **Becoming a candidate for membership on the State Board of**  
1121 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

1122 Section [20A-14-105](#), **Becoming a candidate for membership on the State Board of**  
1123 **Education -- Selection of candidates by the governor -- Ballot placement.**

1124 Section 20. **Revisor instructions.**

1125 It is the intent of the Legislature that, in preparing the Utah Code database for  
1126 publication, the Office of Legislative Research and General Counsel shall change the  
1127 references to "Title 20A, Chapter 14, Nomination and Election of State and Local School  
1128 Boards" in the following sections and subsections to read "Title 20A, Chapter 14, Election of  
1129 State and Local School Boards":

- 1130 (1) Subsection [53A-1a-506\(1\)\(a\)](#);
- 1131 (2) Subsection [53A-1a-506.5\(1\)\(a\)](#);
- 1132 (3) Subsection [53A-2-119\(2\)](#);
- 1133 (4) Section [53A-3-101](#);
- 1134 (5) Subsection [53A-11-102.5\(1\)](#); and
- 1135 (6) Subsection [53A-15-1202\(1\)](#).