

Representative Craig Hall proposes the following substitute bill:

ELECTION LAW CHANGES

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to: the election of State Board of Education members; and inactive voters.

Highlighted Provisions:

This bill:

- ▶ repeals provisions relating to the Nominating and Recruiting Committee for the office of State Board of Education member;
- ▶ provides that candidates for the office of State Board of Education member participate in a nonpartisan primary election to narrow the number of candidates who participate in the general election;
- ▶ permits a county clerk to list a voter as inactive if the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter;
- ▶ repeals the authority of a county clerk to remove a voter described in the preceding paragraph from the official register; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-1-102**, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392

31 **20A-2-305**, as last amended by Laws of Utah 2012, Chapters 33 and 52

32 **20A-2-306**, as last amended by Laws of Utah 2014, Chapter 373

33 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296

34 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296

35 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

36 REPEALS:

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



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

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

42 **20A-1-102. Definitions.**

43 As used in this title:

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

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

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

50 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
51 envelopes.

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

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

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

56 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters

57 on the ballot for their approval or rejection including:

- 58 (a) an opinion question specifically authorized by the Legislature;
- 59 (b) a constitutional amendment;
- 60 (c) an initiative;
- 61 (d) a referendum;
- 62 (e) a bond proposition;
- 63 (f) a judicial retention question;
- 64 (g) an incorporation of a city or town; or
- 65 (h) any other ballot question specifically authorized by the Legislature.

66 (6) "Ballot sheet":

67 (a) means a ballot that:

- 68 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 69 (ii) can be counted using automatic tabulating equipment; and
- 70 (b) includes punch card ballots and other ballots that are machine-countable.

71 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
72 together with a staple or stitch in at least three places across the top of the paper in the blank
73 space reserved for securing the paper.

74 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
75 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

96 (19) "Counting poll watcher" means a person selected as provided in Section
97 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

106 (b) does not include:

107 (i) deadlines established for absentee voting; or

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

110 (23) "Elected official" means:

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

112 (b) a person who is considered to be elected to a municipal office in accordance with
113 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

114 (c) a person who is considered to be elected to a local district office in accordance with
115 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

116 (24) "Election" means a regular general election, a municipal general election, a
117 statewide special election, a local special election, a regular primary election, a municipal
118 primary election, and a local district election.

119 (25) "Election Assistance Commission" means the commission established by [~~Public~~
120 ~~Law 107-252;~~] the Help America Vote Act of 2002, Pub. L. No. 107-252.

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

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

- 124 (a) preside over other poll workers at a polling place;
- 125 (b) act as the presiding election judge; or
- 126 (c) serve as a canvassing judge, counting judge, or receiving judge.

127 (28) "Election officer" means:

- 128 (a) the lieutenant governor, for all statewide ballots and elections;
- 129 (b) the county clerk for:
 - 130 (i) a county ballot and election; and
 - 131 (ii) a ballot and election as a provider election officer as provided in Section
132 [20A-5-400.1](#) or [20A-5-400.5](#);

133 (c) the municipal clerk for:

- 134 (i) a municipal ballot and election; and
- 135 (ii) a ballot and election as a provider election officer as provided in Section
136 [20A-5-400.1](#) or [20A-5-400.5](#);

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

- 138 (i) a local district ballot and election; and
- 139 (ii) a ballot and election as a provider election officer as provided in Section
140 [20A-5-400.1](#) or [20A-5-400.5](#); or

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

- 142 (i) a school district ballot and election; and
- 143 (ii) a ballot and election as a provider election officer as provided in Section
144 [20A-5-400.1](#) or [20A-5-400.5](#).

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

146 (30) "Election results" means:

- 147 (a) for an election other than a bond election, the count of votes cast in the election and
148 the election returns requested by the board of canvassers; or
- 149 (b) for bond elections, the count of those votes cast for and against the bond

150 proposition plus any or all of the election returns that the board of canvassers may request.

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

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

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

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

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

162 (35) "Inactive voter" means a registered voter who ~~[has: (a) been sent the notice~~
163 ~~required by Section 20A-2-306; and (b) failed to respond to that notice.]~~ is listed as inactive by
164 a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

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

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

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

170 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
171 Local Government Entities - Local Districts, and includes a special service district under Title
172 17D, Chapter 1, Special Service District Act.

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

175 (41) "Local election" means a regular county election, a regular municipal election, a
176 municipal primary election, a local special election, a local district election, and a bond
177 election.

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

180 (43) "Local special election" means a special election called by the governing body of a

181 local political subdivision in which all registered voters of the local political subdivision may
182 vote.

183 (44) "Municipal executive" means:

184 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

185 (b) the mayor in the council-manager form of government defined in Subsection
186 10-3b-103(7); or

187 (c) the chair of a metro township form of government defined in Section 10-3b-102.

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

191 (46) "Municipal legislative body" means:

192 (a) the council of the city or town in any form of municipal government; or

193 (b) the council of a metro township.

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

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

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

199 (50) "Official ballot" means the ballots distributed by the election officer to the poll
200 workers to be given to voters to record their votes.

201 (51) "Official endorsement" means:

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

203 (i) the ballot as an official ballot;

204 (ii) the date of the election; and

205 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
206 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

207 (B) for a ballot prepared by a county clerk, the words required by Subsection
208 20A-6-301(1)(c)(iii); and

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

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

211 (ii) the ballot number.

212 (52) "Official register" means the official record furnished to election officials by the
213 election officer that contains the information required by Section 20A-5-401.

214 (53) "Paper ballot" means a paper that contains:

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

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

219 (54) "Pilot project" means the election day voter registration pilot project created in
220 Section 20A-4-108.

221 (55) "Political party" means an organization of registered voters that has qualified to
222 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
223 and Procedures.

224 (56) "Pollbook" means a record of the names of voters in the order that they appear to
225 cast votes.

226 (57) "Polling place" means the building where voting is conducted.

227 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
228 election, voting, or counting votes.

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

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

231 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
232 in which the voter marks the voter's choice.

233 (60) "Primary convention" means the political party conventions held during the year
234 of the regular general election.

235 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

238 (62) "Provider election officer" means an election officer who enters into a contract or
239 interlocal agreement with a contracting election officer to conduct an election for the
240 contracting election officer's local political subdivision in accordance with Section
241 20A-5-400.1.

242 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

246 (64) "Provisional ballot envelope" means an envelope printed in the form required by
247 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
248 verify a person's legal right to vote.

249 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the
250 duties of the position for which the person was elected.

251 (66) "Receiving judge" means the poll worker that checks the voter's name in the
252 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
253 after the voter has voted.

254 (67) "Registration form" means a book voter registration form and a by-mail voter
255 registration form.

256 (68) "Regular ballot" means a ballot that is not a provisional ballot.

257 (69) "Regular general election" means the election held throughout the state on the first
258 Tuesday after the first Monday in November of each even-numbered year for the purposes
259 established in Section 20A-1-201.

260 (70) "Regular primary election" means the election on the fourth Tuesday of June of
261 each even-numbered year, to nominate candidates of political parties and candidates for
262 nonpartisan State School Board and local school board positions to advance to the regular
263 general election.

264 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

265 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
266 and distributed as provided in Section 20A-5-405.

267 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or
268 punch the ballot for one or more candidates who are members of different political parties or
269 who are unaffiliated.

270 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into
271 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
272 the voter's vote.

273 (75) "Special election" means an election held as authorized by Section 20A-1-203.

- 274 (76) "Spoiled ballot" means each ballot that:
- 275 (a) is spoiled by the voter;
- 276 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 277 (c) lacks the official endorsement.
- 278 (77) "Statewide special election" means a special election called by the governor or the
- 279 Legislature in which all registered voters in Utah may vote.
- 280 (78) "Stub" means the detachable part of each ballot.
- 281 (79) "Substitute ballots" means replacement ballots provided by an election officer to
- 282 the poll workers when the official ballots are lost or stolen.
- 283 (80) "Ticket" means each list of candidates for each political party or for each group of
- 284 petitioners.
- 285 (81) "Transfer case" means the sealed box used to transport voted ballots to the
- 286 counting center.
- 287 (82) "Vacancy" means the absence of a person to serve in any position created by
- 288 statute, whether that absence occurs because of death, disability, disqualification, resignation,
- 289 or other cause.
- 290 (83) "Valid voter identification" means:
- 291 (a) a form of identification that bears the name and photograph of the voter which may
- 292 include:
- 293 (i) a currently valid Utah driver license;
- 294 (ii) a currently valid identification card that is issued by:
- 295 (A) the state; or
- 296 (B) a branch, department, or agency of the United States;
- 297 (iii) a currently valid Utah permit to carry a concealed weapon;
- 298 (iv) a currently valid United States passport; or
- 299 (v) a currently valid United States military identification card;
- 300 (b) one of the following identification cards, whether or not the card includes a
- 301 photograph of the voter:
- 302 (i) a valid tribal identification card;
- 303 (ii) a Bureau of Indian Affairs card; or
- 304 (iii) a tribal treaty card; or

305 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
306 the name of the voter and provide evidence that the voter resides in the voting precinct, which
307 may include:

308 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
309 election;

310 (ii) a bank or other financial account statement, or a legible copy thereof;

311 (iii) a certified birth certificate;

312 (iv) a valid Social Security card;

313 (v) a check issued by the state or the federal government or a legible copy thereof;

314 (vi) a paycheck from the voter's employer, or a legible copy thereof;

315 (vii) a currently valid Utah hunting or fishing license;

316 (viii) certified naturalization documentation;

317 (ix) a currently valid license issued by an authorized agency of the United States;

318 (x) a certified copy of court records showing the voter's adoption or name change;

319 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

320 (xii) a currently valid identification card issued by:

321 (A) a local government within the state;

322 (B) an employer for an employee; or

323 (C) a college, university, technical school, or professional school located within the
324 state; or

325 (xiii) a current Utah vehicle registration.

326 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
327 candidate by following the procedures and requirements of this title.

328 (85) "Voter" means a person who:

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

330 (b) meets the requirements of election registration;

331 (c) is registered to vote; and

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

333 (86) "Voter registration deadline" means the registration deadline provided in Section
334 [20A-2-102.5](#).

335 (87) "Voting area" means the area within six feet of the voting booths, voting

336 machines, and ballot box.

337 (88) "Voting booth" means:

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

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

341 (89) "Voting device" means:

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

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

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

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

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

350 (90) "Voting machine" means a machine designed for the sole purpose of recording
351 and tabulating votes cast by voters at an election.

352 (91) "Voting poll watcher" means a person appointed as provided in this title to
353 witness the distribution of ballots and the voting process.

354 (92) "Voting precinct" means the smallest voting unit established as provided by law
355 within which qualified voters vote at one polling place.

356 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
357 poll watcher, and a testing watcher.

358 (94) "Western States Presidential Primary" means the election established in Chapter 9,
359 Part 8, Western States Presidential Primary.

360 (95) "Write-in ballot" means a ballot containing any write-in votes.

361 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the
362 ballot according to the procedures established in this title.

363 Section 2. Section **20A-2-305** is amended to read:

364 **20A-2-305. Removing names from the official register -- General requirements.**

365 (1) The county clerk may not remove a voter's name from the official register because
366 the voter has failed to vote in an election.

- 367 (2) The county clerk shall remove a voter's name from the official register if:
- 368 (a) the voter dies and the requirements of Subsection (3) are met;
- 369 (b) the county clerk, after complying with the requirements of Section 20A-2-306,
- 370 receives written confirmation from the voter that the voter no longer resides within the county
- 371 clerk's county;
- 372 (c) the county clerk has:
- 373 (i) obtained evidence that the voter's residence has changed;
- 374 (ii) mailed notice to the voter as required by Section 20A-2-306;
- 375 (iii) (A) received no response from the voter; or
- 376 (B) not received information that confirms the voter's residence; and
- 377 (iv) the voter has failed to vote or appear to vote in an election during the period
- 378 beginning on the date of the notice described in Section 20A-2-306 and ending on the day after
- 379 the date of the second regular general election occurring after the date of the notice;
- 380 (d) the voter requests, in writing, that the voter's name be removed from the official
- 381 register;
- 382 ~~[(e) the county clerk receives a returned voter identification card, determines that there~~
- 383 ~~was no clerical error causing the card to be returned, and has no further information to contact~~
- 384 ~~the voter;]~~
- 385 [(f)] (e) the county clerk receives notice that a voter has been convicted of any felony
- 386 or a misdemeanor for an offense under this title and the voter's right to vote has not been
- 387 restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
- 388 [(g)] (f) the county clerk receives notice that a voter has registered to vote in another
- 389 state after the day on which the voter registered to vote in this state.
- 390 (3) The county clerk shall remove a voter's name from the registration list within 21
- 391 days of receipt of confirmation from the Department of Health's Bureau of Vital Records that a
- 392 voter is deceased.

393 Section 3. Section 20A-2-306 is amended to read:

394 **20A-2-306. Removing names from the official register -- Determining and**

395 **confirming change of residence.**

- 396 (1) A county clerk may not remove a voter's name from the official register on the
- 397 grounds that the voter has changed residence unless the voter:

398 (a) confirms in writing that the voter has changed residence to a place outside the
399 county; or

400 (b) (i) has not voted in an election during the period beginning on the date of the notice
401 required by Subsection (3), and ending on the day after the date of the second regular general
402 election occurring after the date of the notice; and

403 (ii) has failed to respond to the notice required by Subsection (3).

404 (2) (a) When a county clerk obtains information that a voter's address has changed and
405 it appears that the voter still resides within the same county, the county clerk shall:

406 (i) change the official register to show the voter's new address; and

407 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
408 printed on a postage prepaid, preaddressed return form.

409 (b) When a county clerk obtains information that a voter's address has changed and it
410 appears that the voter now resides in a different county, the county clerk shall verify the
411 changed residence by sending to the voter, by forwardable mail, the notice required by
412 Subsection (3) printed on a postage prepaid, preaddressed return form.

413 (3) Each county clerk shall use substantially the following form to notify voters whose
414 addresses have changed:

415 "VOTER REGISTRATION NOTICE

416 We have been notified that your residence has changed. Please read, complete, and
417 return this form so that we can update our voter registration records. What is your current
418 street address?

419 _____
420 Street City County State Zip

421 If you have not changed your residence or have moved but stayed within the same
422 county, you must complete and return this form to the county clerk so that it is received by the
423 county clerk no later than 30 days before the date of the election. If you fail to return this form
424 within that time:

425 - you may be required to show evidence of your address to the poll worker before being
426 allowed to vote in either of the next two regular general elections; or

427 - if you fail to vote at least once from the date this notice was mailed until the passing
428 of two regular general elections, you will no longer be registered to vote. If you have changed

429 your residence and have moved to a different county in Utah, you may register to vote by
 430 contacting the county clerk in your county.

431 _____
 432 Signature of Voter"

433 "The portion of a voter registration form that lists a person's driver license or
 434 identification card number, social security number, and email address is a private record. The
 435 portion of a voter registration form that lists a person's date of birth is a private record, the use
 436 of which is restricted to government officials, government employees, political parties, or
 437 certain other persons.

438 If you believe that disclosure of any information contained in this voter registration
 439 form to a person other than a government official or government employee is likely to put you
 440 or a member of your household's life or safety at risk, or to put you or a member of your
 441 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
 442 county clerk to have your entire voter registration record classified as private."

443 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 444 names of any voters from the official register during the 90 days before a regular primary
 445 election and the 90 days before a regular general election.

446 (b) The county clerk may remove the names of voters from the official register during
 447 the 90 days before a regular primary election and the 90 days before a regular general election
 448 if:

449 (i) the voter requests, in writing, that the voter's name be removed; or
 450 (ii) the voter has died.

451 (c) (i) After a county clerk mails a notice as required in this section, the county clerk
 452 may list that voter as inactive.

453 (ii) If a county clerk receives a returned voter identification card, determines that there
 454 was no clerical error causing the card to be returned, and has no further information to contact
 455 the voter, the county clerk may list that voter as inactive.

456 ~~[(ii)]~~ (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other
 457 privileges of a registered voter.

458 ~~[(iii)]~~ (iv) A county is not required to send routine mailings to an inactive [~~voters~~]
 459 voter and is not required to count inactive voters when dividing precincts and preparing

460 supplies.

461 Section 4. Section 20A-9-201 is amended to read:

462 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
463 **more than one political party prohibited with exceptions -- General filing and form**
464 **requirements -- Affidavit of impecuniosity.**

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

466 (a) be a United States citizen;

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

468 (c) if seeking a registered political party's nomination as a candidate for elective office,
469 state:

470 (i) the registered political party of which the person is a member; or

471 (ii) that the person is not a member of a registered political party.

472 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

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

475 (ii) appear on the ballot as the candidate of more than one political party; or

476 (iii) file a declaration of candidacy for a registered political party of which the
477 individual is not a member, except to the extent that the registered political party permits
478 otherwise in the registered political party's bylaws.

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

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

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

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

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

493 (B) require the candidate to state whether [~~or not~~] the candidate meets those
494 requirements.

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

497 (A) a United States citizen;

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

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

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

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

508 (A) a United States citizen;

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

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

513 (D) a current resident of the prosecution district in which the person is seeking office
514 and either will have been a resident of that prosecution district for at least one year as of the
515 date of the election or was appointed and is currently serving as district attorney and became a
516 resident of the prosecution district within 30 days after receiving appointment to the office.

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

519 (A) as of the date of filing:

520 (I) is a United States citizen;

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

522 (III) (Aa) has successfully met the standards and training requirements established for
523 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
524 Certification Act; or

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

526 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
527 53-13-103; and

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

530 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
531 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
532 Education member, the filing officer shall ensure:

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

535 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
536 provided to the lieutenant governor according to the procedures and requirements of Section
537 20A-11-1603.

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

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

543 (i) inform the candidate that:

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

546 (B) the candidate may be required to comply with state or local campaign finance
547 disclosure laws; and

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

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

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

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

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

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

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

562 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

574 (4) (a) Except for presidential candidates and State Board of Education Candidates, the
 575 form of the declaration of candidacy shall:

576 (i) be substantially as follows:

577 "State of Utah, County of ____

578 I, _____, declare my candidacy for the office of _____, seeking the

579 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to

580 hold the office, both legally and constitutionally, if selected; I reside at _____

581 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

582 knowingly violate any law governing campaigns and elections; I will file all campaign

583 financial disclosure reports as required by law; and I understand that failure to do so

584 will result in my disqualification as a candidate for this office and removal of my name from
585 the ballot. The mailing address that I designate for receiving official election notices is
586 _____.

587 _____

588 Subscribed and sworn before me this _____ (month\day\year).

589 Notary Public (or other officer qualified to administer oath.)"; and

590 (ii) require the candidate to state, in the sworn statement described in Subsection

591 (4)(a)(i):

592 (A) the registered political party of which the candidate is a member; or

593 (B) that the candidate is not a member of a registered political party.

594 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202

595 may not sign the form described in Subsection (4)(a).

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

598 (i) \$50 for candidates for the local school district board; and

599 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
600 person holding the office for all other federal, state, and county offices.

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

603 (i) who is disqualified; or

604 (ii) who the filing officer determines has filed improperly.

605 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
606 from candidates.

607 (ii) The lieutenant governor shall:

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

610 (B) ensure that each county receives that proportion of the total amount paid to the
611 lieutenant governor from the congressional district that the total vote of that county for all
612 candidates for representative in Congress bears to the total vote of all counties within the
613 congressional district for all candidates for representative in Congress.

614 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

615 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
616 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
617 a financial statement filed at the time the affidavit is submitted.

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

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

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

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

627 "Affidavit of Impecuniosity

628 Individual Name

629 _____ Address _____

630 Phone Number _____

631 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
632 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
633 law.

634 Date _____ Signature _____

635 Affiant

636 Subscribed and sworn to before me on _____ (month\day\year)

637 _____
638 (signature)

639 Name and Title of Officer Authorized to Administer Oath _____"

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

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

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

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

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

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

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

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

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

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

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

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

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

668 (9) (a) The form of the declaration of candidacy for the office of State Board of
669 Education member shall be substantially as follows:

670 "State of Utah, County of _____

671 I, _____, declare my candidacy for the office of State Board of Education

672 member. I do solemnly swear that: I will meet the qualifications to hold the office, both legally

673 and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah,

674 Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns

675 and elections; I will file all campaign financial disclosure reports as required by law; and I

676 understand that failure to do so will result in my disqualification as a candidate for this office

677 and removal of my name from the ballot. The mailing address that I designate for receiving
678 official election notices is _____.

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

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

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

685 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

708 (ii) if the registered political party participates in the upcoming regular primary
709 election, identify one or more registered political parties whose members may vote for the
710 registered political party's candidates and whether or not persons identified as unaffiliated with
711 a political party may vote for the registered political party's candidates.

712 (b) (i) A registered political party that is a continuing political party must file the
713 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
714 November 15 of each odd-numbered year.

715 (ii) An organization that is seeking to become a registered political party under Section
716 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
717 political party files the petition described in Section 20A-8-103.

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

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

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

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

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

735 (d) The filing officer shall:

736 (i) verify signatures on nomination petitions in a transparent and orderly manner;

737 (ii) for all qualifying candidates for elective office who submitted nomination petitions
738 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on

739 the first Monday after the third Saturday in April;

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

741 (iv) consider a person who signs a nomination petition a member of a registered
742 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered

743 political party as the person's party membership on the person's voter registration form; and

744 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
745 petition signatures, or use statistical sampling procedures to verify submitted nomination
746 petition signatures pursuant to rules made under Subsection (3)(f).

747 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
748 lieutenant governor may appear on the regular primary ballot of a registered political party
749 without submitting nomination petitions if the candidate files a declaration of candidacy and
750 complies with Subsection [20A-9-202\(3\)](#).

751 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
752 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

753 (i) provide for the use of statistical sampling procedures that:

754 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

755 (B) reflect a bona fide effort to determine the validity of a candidate's entire
756 submission, using widely recognized statistical sampling techniques; and

757 (ii) provide for the transparent, orderly, and timely submission, verification, and
758 certification of nomination petition signatures.

759 (g) The county clerk shall:

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

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

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

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

769 (i) a list of the names of all candidates for federal, constitutional, multi-county, and

770 county offices who have received certifications under Subsection (3), along with instructions
771 on how those names shall appear on the primary-election ballot in accordance with Section
772 [20A-6-305](#); and

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

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

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

781 "Notice is given that a primary election will be held Tuesday, June ____,
782 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
783 State Board of Education and local school board positions listed on the primary ballot. The
784 polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open
785 until 8 p.m. of the same day. Attest: county clerk."

786 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
787 votes cast for each office at the regular primary election are nominated by their registered
788 political party for that office or are nominated as a candidate for a nonpartisan State Board of
789 Education or local school board position.

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

794 (c) A candidate who is unopposed for an elective office in the regular primary election
795 of a registered political party is nominated by the party for that office without appearing on the
796 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
797 certification under Subsection (3) for the regular primary election ballot of the candidate's
798 registered political party for a particular elective office.

799 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
800 office that represents more than one county, the governor, lieutenant governor, and attorney

801 general shall, at a public meeting called by the governor and in the presence of the candidates
802 involved, select the nominee by lot cast in whatever manner the governor determines.

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

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

811 (8) An individual may not file a declaration of candidacy for a registered political party
812 of which the individual is not a member, except to the extent that the registered political party
813 permits otherwise under the registered political party's bylaws.

814 Section 6. Section **20A-14-104** is amended to read:

815 **20A-14-104. Becoming a candidate for membership on the State Board of**
816 **Education.**

817 (1) ~~[(a) Persons]~~ An individual interested in becoming a candidate for the State Board
818 of Education shall:

819 (a) for the 2016 regular primary election and regular general election, and each regular
820 primary election and regular general election held after 2016, file a declaration of candidacy
821 [according to], in accordance with the procedures and requirements of Sections 20A-9-201 and
822 20A-9-202[-], on or after the second Friday in March, and before 5 p.m. on the third Thursday
823 in March, before the next regular general election; and

824 (b) pay the filing fee described in Section 20A-9-202.

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

829 (2) The lieutenant governor shall:

830 (a) review the declarations of candidacy filed by candidates for the office of State
831 Board of Education member to determine if more than two candidates have filed for the same

832 seat;

833 (b) place the names of all candidates who have filed a declaration of candidacy for a
834 State Board of Education seat on the nonpartisan section of the ballot if more than two
835 candidates have filed for the same seat; and

836 (c) determine the order of the State Board of Education candidates' names on the ballot
837 in accordance with Section [20A-6-305](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 894 [~~(vii) banking;~~]
- 895 [~~(viii) science and engineering; and~~]
- 896 [~~(ix) medical and healthcare;~~]
- 897 [~~(e) higher education administration;~~]
- 898 [~~(f) applied technology education;~~]
- 899 [~~(g) public education administration;~~]
- 900 [~~(h) public education instruction;~~]
- 901 [~~(i) economic development;~~]
- 902 [~~(j) labor; and~~]
- 903 [~~(k) other life experiences that would benefit the State Board of Education.]~~]

904 Section 7. **Repealer.**

905 This bill repeals:

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

908 Section 8. **Effective date.**

909 If approved by two-thirds of all the members elected to each house, this bill takes effect
910 upon approval by the governor, or the day following the constitutional time limit of Utah
911 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
912 the date of veto override.