

1 **STATE BOARD OF EDUCATION CANDIDATE SELECTION**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ann Millner**

5 House Sponsor: Bradley G. Last

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code relating to the election of State Board
10 of Education members.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ repeals provisions relating to the Nominating and Recruiting Committee for the
14 office of State Board of Education member;

15 ▶ for the 2016 election year only, provides that candidates for the office of State
16 Board of Education member participate in a nonpartisan primary election to narrow
17 the number of candidates who participate in the general election;

18 ▶ beginning with the 2018 election year:

19 • provides that members of the State Board of Education are elected through
20 partisan election; and

21 • modifies the reporting requirements of candidates for, and officeholders on, the
22 State Board of Education; and

23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 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-1-504**, as last amended by Laws of Utah 2010, Chapter 197
- 32 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296
- 33 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296
- 34 **20A-9-408**, as last amended by Laws of Utah 2015, Chapter 296
- 35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420
- 36 **20A-11-1301**, as last amended by Laws of Utah 2015, Chapters 21 and 127
- 37 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter 204
- 38 **20A-11-1305**, as last amended by Laws of Utah 2015, Chapter 204
- 39 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 40 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 41 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

42 ENACTS:

- 43 **20A-14-104.1**, Utah Code Annotated 1953

44 REPEALS:

- 45 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 46 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



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

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

50 **20A-1-102. Definitions.**

51 As used in this title:

- 52 (1) "Active voter" means a registered voter who has not been classified as an inactive
- 53 voter by the county clerk.
- 54 (2) "Automatic tabulating equipment" means apparatus that automatically examines
- 55 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.
- 56 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
- 57 upon which a voter records the voter's votes.

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

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

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

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

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

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

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question;

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

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

74 (6) "Ballot sheet":

75 (a) means a ballot that:

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

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

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

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

82 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
83 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

104 (19) "Counting poll watcher" means a person selected as provided in Section
105 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

- 114 (b) does not include:
- 115 (i) deadlines established for absentee voting; or
- 116 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
- 117 Voting.
- 118 (23) "Elected official" means:
- 119 (a) a person elected to an office under Section 20A-1-303;
- 120 (b) a person who is considered to be elected to a municipal office in accordance with
- 121 Subsection 20A-1-206(1)(c)(ii); or
- 122 (c) a person who is considered to be elected to a local district office in accordance with
- 123 Subsection 20A-1-206(3)(c)(ii).
- 124 (24) "Election" means a regular general election, a municipal general election, a
- 125 statewide special election, a local special election, a regular primary election, a municipal
- 126 primary election, and a local district election.
- 127 (25) "Election Assistance Commission" means the commission established by [~~Public~~
- 128 ~~Law 107-252;~~] the Help America Vote Act of 2002, Pub. L. No. 107-252.
- 129 (26) "Election cycle" means the period beginning on the first day persons are eligible to
- 130 file declarations of candidacy and ending when the canvass is completed.
- 131 (27) "Election judge" means a poll worker that is assigned to:
- 132 (a) preside over other poll workers at a polling place;
- 133 (b) act as the presiding election judge; or
- 134 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 135 (28) "Election officer" means:
- 136 (a) the lieutenant governor, for all statewide ballots and elections;
- 137 (b) the county clerk for:
- 138 (i) a county 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;
- 141 (c) the municipal clerk for:

- 142 (i) a municipal 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 (d) the local district clerk or chief executive officer for:
- 146 (i) a local district ballot and election; and
- 147 (ii) a ballot and election as a provider election officer as provided in Section
- 148 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 149 (e) the business administrator or superintendent of a school district for:
- 150 (i) a school district ballot and election; and
- 151 (ii) a ballot and election as a provider election officer as provided in Section
- 152 [20A-5-400.1](#) or [20A-5-400.5](#).
- 153 (29) "Election official" means any election officer, election judge, or poll worker.
- 154 (30) "Election results" means:
- 155 (a) for an election other than a bond election, the count of votes cast in the election and
- 156 the election returns requested by the board of canvassers; or
- 157 (b) for bond elections, the count of those votes cast for and against the bond
- 158 proposition plus any or all of the election returns that the board of canvassers may request.
- 159 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 160 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 161 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 162 form, and the total votes cast form.
- 163 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 164 device or other voting device that records and stores ballot information by electronic means.
- 165 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 166 or logically associated with a record and executed or adopted by a person with the intent to sign
- 167 the record.
- 168 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 169 (b) "Electronic voting device" includes a direct recording electronic voting device.

- 170 (35) "Inactive voter" means a registered voter who has:
171 (a) been sent the notice required by Section 20A-2-306; and
172 (b) failed to respond to that notice.
- 173 (36) "Inspecting poll watcher" means a person selected as provided in this title to
174 witness the receipt and safe deposit of voted and counted ballots.
- 175 (37) "Judicial office" means the office filled by any judicial officer.
- 176 (38) "Judicial officer" means any justice or judge of a court of record or any county
177 court judge.
- 178 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
179 Local Government Entities - Local Districts, and includes a special service district under Title
180 17D, Chapter 1, Special Service District Act.
- 181 (40) "Local district officers" means those local district board members that are required
182 by law to be elected.
- 183 (41) "Local election" means a regular county election, a regular municipal election, a
184 municipal primary election, a local special election, a local district election, and a bond
185 election.
- 186 (42) "Local political subdivision" means a county, a municipality, a local district, or a
187 local school district.
- 188 (43) "Local special election" means a special election called by the governing body of a
189 local political subdivision in which all registered voters of the local political subdivision may
190 vote.
- 191 (44) "Municipal executive" means:
192 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
193 (b) the mayor in the council-manager form of government defined in Subsection
194 10-3b-103(7); or
195 (c) the chair of a metro township form of government defined in Section 10-3b-102.
- 196 (45) "Municipal general election" means the election held in municipalities and, as
197 applicable, local districts on the first Tuesday after the first Monday in November of each

198 odd-numbered year for the purposes established in Section [20A-1-202](#).

199 (46) "Municipal legislative body" means:

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

201 (b) the council of a metro township.

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

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

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

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

209 (51) "Official endorsement" means:

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

211 (i) the ballot as an official ballot;

212 (ii) the date of the election; and

213 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
214 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or

215 (B) for a ballot prepared by a county clerk, the words required by Subsection
216 [20A-6-301\(1\)\(c\)\(iii\)](#); and

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

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

219 (ii) the ballot number.

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

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

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

225 (b) spaces for the voter to record the voter's vote for each office and for or against each

226 ballot proposition.

227 (54) "Pilot project" means the election day voter registration pilot project created in
228 Section [20A-4-108](#).

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

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

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

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

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

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

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

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

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

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

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

246 (62) "Provider election officer" means an election officer who enters into a contract or
247 interlocal agreement with a contracting election officer to conduct an election for the
248 contracting election officer's local political subdivision in accordance with Section
249 [20A-5-400.1](#).

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

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

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

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

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

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

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

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

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

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

268 (70) "Regular primary election" means the election on the fourth Tuesday of June of
269 each even-numbered year, to nominate candidates of political parties and candidates for
270 nonpartisan State Board of Education and local school board positions to advance to the regular
271 general election.

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

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

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

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

281 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

282 (76) "Spoiled ballot" means each ballot that:

283 (a) is spoiled by the voter;

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

285 (c) lacks the official endorsement.

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

288 (78) "Stub" means the detachable part of each ballot.

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

291 (80) "Ticket" means each list of candidates for each political party or for each group of
292 petitioners.

293 (81) "Transfer case" means the sealed box used to transport voted ballots to the
294 counting center.

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

298 (83) "Valid voter identification" means:

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

301 (i) a currently valid Utah driver license;

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

303 (A) the state; or

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

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

306 (iv) a currently valid United States passport; or

307 (v) a currently valid United States military identification card;

308 (b) one of the following identification cards, whether or not the card includes a
309 photograph of the voter:

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

338 (b) meets the requirements of election registration;

339 (c) is registered to vote; and

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

341 (86) "Voter registration deadline" means the registration deadline provided in Section
342 [20A-2-102.5](#).

343 (87) "Voting area" means the area within six feet of the voting booths, voting
344 machines, and ballot box.

345 (88) "Voting booth" means:

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

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

349 (89) "Voting device" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

383 (3) For a State Board of Education member vacancy, if the individual who is being
384 replaced is not a member of a political party, or if the member was elected at or before the 2016
385 regular general election, the governor shall fill the vacancy, with the consent of the Senate, by
386 selecting an individual who meets the qualifications and residency requirements for filling the
387 vacancy described in Section [20A-14-103](#).

388 Section 3. Section **20A-9-201** is amended to read:

389 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
390 **more than one political party prohibited with exceptions -- General filing and form**
391 **requirements -- Affidavit of impecuniosity.**

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

393 (a) be a United States citizen;

394 (b) meet the legal requirements of that office; and
395 (c) if seeking a registered political party's nomination as a candidate for elective office,
396 state:
397 (i) the registered political party of which the person is a member; or
398 (ii) that the person is not a member of a registered political party.
399 (2) (a) Except as provided in Subsection (2)(b), an individual may not:
400 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
401 Utah during any election year;
402 (ii) appear on the ballot as the candidate of more than one political party; or
403 (iii) file a declaration of candidacy for a registered political party of which the
404 individual is not a member, except to the extent that the registered political party permits
405 otherwise in the registered political party's bylaws.
406 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president
407 or vice president of the United States and another office, if the person resigns the person's
408 candidacy for the other office after the person is officially nominated for president or vice
409 president of the United States.
410 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
411 one justice court judge office.
412 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
413 person filed a declaration of candidacy for another office in the same election year if the person
414 withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6)
415 before filing the declaration of candidacy for lieutenant governor.
416 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any
417 declaration of candidacy, the filing officer shall:
418 (A) read to the prospective candidate the constitutional and statutory qualification
419 requirements for the office that the candidate is seeking; and
420 (B) require the candidate to state whether ~~or not~~ the candidate meets those
421 requirements.

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

424 (A) a United States citizen;

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

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

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

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

435 (A) a United States citizen;

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

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

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

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

446 (A) as of the date of filing:

447 (I) is a United States citizen;

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

449 (III) (Aa) has successfully met the standards and training requirements established for

450 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
451 Certification Act; or

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

453 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
454 53-13-103; and

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

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

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

462 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
463 provided to the lieutenant governor according to the procedures and requirements of Section
464 20A-11-1603.

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

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

470 (i) inform the candidate that:

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

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

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

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

478 (II) Section 20A-11-303 for a candidate for the Legislature; or
479 (III) local campaign finance disclosure laws, if applicable;
480 (ii) except for a presidential candidate, provide the candidate with a copy of the current
481 campaign financial disclosure laws for the office the candidate is seeking and inform the
482 candidate that failure to comply will result in disqualification as a candidate and removal of the
483 candidate's name from the ballot;
484 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
485 Electronic Voter Information Website Program and inform the candidate of the submission
486 deadline under Subsection 20A-7-801(4)(a);
487 (iv) provide the candidate with a copy of the pledge of fair campaign practices
488 described under Section 20A-9-206 and inform the candidate that:
489 (A) signing the pledge is voluntary; and
490 (B) signed pledges shall be filed with the filing officer;
491 (v) accept the candidate's declaration of candidacy; and
492 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
493 declaration of candidacy to the chair of the county or state political party of which the
494 candidate is a member.
495 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
496 officer shall:
497 (i) accept the candidate's pledge; and
498 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
499 candidate's pledge to the chair of the county or state political party of which the candidate is a
500 member.
501 (4) (a) Except for presidential candidates and State Board of Education candidates, the
502 form of the declaration of candidacy shall:
503 (i) be substantially as follows:
504 "State of Utah, County of ____
505 I, _____, declare my candidacy for the office of _____, seeking the

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

513 _____

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

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

516 (ii) require the candidate to state, in the sworn statement described in Subsection
517 (4)(a)(i):

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

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

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

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

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

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

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

529 (i) who is disqualified; or

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

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

533 (ii) The lieutenant governor shall:

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

536 (B) ensure that each county receives that proportion of the total amount paid to the
537 lieutenant governor from the congressional district that the total vote of that county for all
538 candidates for representative in Congress bears to the total vote of all counties within the
539 congressional district for all candidates for representative in Congress.

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

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

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

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

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

553 "Affidavit of Impecuniosity

554 Individual Name

555 _____ Address _____

556 Phone Number _____

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

560 Date _____ Signature _____

561 Affiant

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

563

564

(signature)

565

Name and Title of Officer Authorized to Administer Oath _____"

566

(v) The filing officer shall provide to a person who requests an affidavit of

567

impecuniosity a statement printed in substantially the following form, which may be included

568

on the affidavit of impecuniosity:

569

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

570

candidate who is found guilty of filing a false statement, in addition to being subject to criminal

571

penalties, will be removed from the ballot."

572

(vi) The filing officer may request that a person who makes a claim of impecuniosity

573

under this Subsection (5)(d) file a financial statement on a form prepared by the election

574

official.

575

(6) (a) If there is no legislative appropriation for the Western States Presidential

576

Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for

577

president of the United States who is affiliated with a registered political party and chooses to

578

participate in the regular primary election shall:

579

(i) file a declaration of candidacy, in person or via a designated agent, with the

580

lieutenant governor:

581

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

582

(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in

583

March before the next regular primary election;

584

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

585

(iii) provide a letter from the registered political party certifying that the candidate may

586

participate as a candidate for that party in that party's presidential primary election; and

587

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

588

(b) An agent designated to file a declaration of candidacy may not sign the form

589

described in Subsection (6)(a)(i)(A).

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

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

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

596 "State of Utah, County of _____

597 I, _____, declare my candidacy for the office of State Board of Education
598 member. I do solemnly swear that: I will meet the qualifications to hold the office, both legally
599 and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah,
600 Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns
601 and elections; I will file all campaign financial disclosure reports as required by law; and I
602 understand that failure to do so will result in my disqualification as a candidate for this office
603 and removal of my name from the ballot. The mailing address that I designate for receiving
604 official election notices is _____.

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

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

610 Section 4. Section **20A-9-403** is amended to read:

611 **20A-9-403. Regular primary elections.**

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

618 Section 20A-9-601.

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

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

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

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

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

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

638 (b) (i) 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.

641 (ii) An organization that is seeking to become a registered political party under Section
642 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
643 political party files the petition described in Section 20A-8-103.

644 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
645 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective

646 office on the regular primary ballot of the registered political party listed on the declaration of
647 candidacy only if the person is certified by the appropriate filing officer as having submitted a
648 set of nomination petitions that was:

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

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

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

661 (d) The filing officer shall:

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

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

667 (iv) consider a person who signs a nomination petition a member of a registered
668 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
669 political party as the person's party membership on the person's voter registration form; 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 made under Subsection (3)(f).

673 (e) Notwithstanding any other provision in this Subsection (3), a candidate for

674 lieutenant governor may appear on the regular primary ballot of a registered political party
675 without submitting nomination petitions if the candidate files a declaration of candidacy and
676 complies with Subsection 20A-9-202(3).

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

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

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

681 (B) reflect a bona fide effort to determine the validity of a candidate's entire

682 submission, using widely recognized statistical sampling techniques; and

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

685 (g) The county clerk shall:

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

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

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

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

695 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
696 county offices who have received certifications under Subsection (3), along with instructions
697 on how those names shall appear on the primary-election ballot in accordance with Section
698 20A-6-305; and

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

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

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

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

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

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

720 (c) A candidate who is unopposed for an elective office in the regular primary election
721 of a registered political party is nominated by the party for that office without appearing on the
722 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
723 certification under Subsection (3) for the regular primary election ballot of the candidate's
724 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 (8) An individual may not file a declaration of candidacy for a registered political party
738 of which the individual is not a member, except to the extent that the registered political party
739 permits otherwise under the registered political party's bylaws.

740 Section 5. Section **20A-9-408** is amended to read:

741 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
742 **political party.**

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

746 (2) Notwithstanding Subsection **20A-9-201(4)(a)**, the form of the declaration of
747 candidacy for a member of a qualified political party who is nominated by, or who is seeking
748 the nomination of, the qualified political party under this section shall be substantially as
749 described in Section **20A-9-408.5**.

750 (3) Notwithstanding Subsection **20A-9-202(1)(a)**, and except as provided in Subsection
751 **20A-9-202(4)**, a member of a qualified political party who, under this section, is seeking the
752 nomination of the qualified political party for an elective office that is to be filled at the next
753 general election shall:

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

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

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

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

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

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

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

768 (c) pay the filing fee.

769 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political
770 party who, under this section, is seeking the nomination of the qualified political party for the
771 office of district attorney within a multicounty prosecution district that is to be filled at the next
772 general election shall:

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

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

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

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

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

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

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

786 (c) pay the filing fee.

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

792 (6) The lieutenant governor shall ensure that the certification described in Subsection
793 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
794 under this section.

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

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

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

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

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

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

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

813 (iv) for a state House district race, 1,000 signatures of registered voters who are

814 residents of the state House district and are permitted by the qualified political party to vote for
815 the qualified political party's candidates in a primary election; [~~and~~]

816 (v) for a State Board of Education race, the lesser of:

817 (A) 2,000 signatures of registered voters who are residents of the State Board of
818 Education district and are permitted by the qualified political party to vote for the qualified
819 political party's candidates in a primary election; or

820 (B) 3% of the registered voters of the qualified political party who are residents of the
821 applicable State Board of Education district; and

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

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

828 (i) collect the signatures on a form approved by the lieutenant governor, using the same
829 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

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

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

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

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

840 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
841 apply to a candidate for office in relation to the reporting requirements described in Subsection

842 (9)(c)(i).

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

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

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

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

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

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

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

863 Section 6. Section 20A-11-403 is amended to read:

864 **20A-11-403. Failure to file -- Penalties.**

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

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

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

869 (2) If it appears that any officeholder has failed to file the summary report required by

870 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
871 governor has received a written complaint alleging a violation of the law or the falsity of any
872 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
873 violation has occurred:

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

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

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

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

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

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

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

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

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

897 (b) within five days after the day on which the violation is discovered or a written

898 complaint is received, notify the officeholder of the violation or written complaint and direct
899 the officeholder to file an interim report correcting the problem.

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

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

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

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

910 Section 7. Section **20A-11-1301** is amended to read:

911 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
912 **Candidate as a political action committee officer -- No personal use -- Contribution**
913 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

917 (ii) A school board office candidate may:

918 (A) receive a contribution or public service assistance from a political action
919 committee registered under Section [20A-11-601](#); and

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

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

924 (i) a personal use expenditure; or

925 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

962 (c) For each contribution or provision of public service assistance that a school board
963 office candidate fails to report within the time period described in Subsection (6)(b), the chief
964 election officer shall impose a fine against the school board office candidate in an amount
965 equal to:

966 (i) (A) 10% of the amount of the contribution, if the school board office candidate
967 reports the contribution within 60 days after the day on which the time period described in
968 Subsection (6)(b) ends; or

969 (B) 20% of the amount of the contribution, if the school board office candidate fails to
970 report the contribution within 60 days after the day on which the time period described in
971 Subsection (6)(b) ends; or

972 (ii) (A) 10% of the value of the public service assistance, if the school board office
973 candidate reports the public service assistance within 60 days after the day on which the time
974 period described in Subsection (6)(b) ends; or

975 (B) 20% of the amount of the public service assistance, if the school board office
976 candidate fails to report the public service assistance within 60 days after the day on which the
977 time period described in Subsection (6)(b) ends.

978 (d) The chief election officer shall:

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

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

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

984 (B) the amount of the fine;

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

986 (D) the date of the contribution.

987 (7) Within 30 days after receiving a contribution that is cash or a negotiable
988 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
989 disburse the contribution to:

990 (a) the treasurer of the state or a political subdivision for deposit into the state's or
991 political subdivision's general fund; or

992 (b) an organization that is exempt from federal income taxation under Section
993 501(c)(3), Internal Revenue Code.

994 (8) (a) As used in this Subsection (8), "account" means an account in a financial
995 institution:

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

997 (ii) into which or from which a person who, as a candidate for an office, other than a
998 school board office for which the person files a declaration of candidacy or federal office, or as
999 a holder of an office, other than a school board office for which the person files a declaration of
1000 candidacy or federal office, deposits a contribution or makes an expenditure.

1001 (b) A school board office candidate shall include on any financial statement filed in
1002 accordance with this part:

1003 (i) a contribution deposited in an account:

1004 (A) since the last campaign finance statement was filed; or

1005 (B) that has not been reported under a statute or ordinance that governs the account; or

1006 (ii) an expenditure made from an account:

1007 (A) since the last campaign finance statement was filed; or

1008 (B) that has not been reported under a statute or ordinance that governs the account.

1009 Section 8. Section **20A-11-1303** is amended to read:

1010 **20A-11-1303. School board office candidate and school board officeholder --**
1011 **Financial reporting requirements -- Interim reports.**

1012 (1) (a) As used in this section, "received" means:

1013 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1014 member of the school board office candidate's personal campaign committee;

1015 (ii) for a contribution that is a check or other negotiable instrument, that the check or
1016 other negotiable instrument is negotiated; or

1017 (iii) for any other type of contribution, that any portion of the contribution's benefit
1018 inures to the school board office candidate.

1019 ~~[(1)(a)]~~ (b) As used in this Subsection (1), "campaign account" means a separate
1020 campaign account required under Subsection 20A-11-1301(1)(a)(i).

1021 ~~[(b)]~~ (c) Each school board office candidate shall file an interim report at the following
1022 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1023 ~~[(i) May 15;]~~

1024 (i) (A) seven days before the political convention for the political party of the school
1025 board office candidate; or

1026 (B) May 15, if the school board office candidate does not affiliate with a political
1027 party;

1028 (ii) seven days before the regular primary election date;

1029 (iii) September 30; and

1030 (iv) seven days before the regular general election date.

1031 ~~[(c)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account
1032 that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim
1033 report at the following times, regardless of whether an election for the school board ~~[office~~
1034 ~~holder's]~~ officeholder's office is held that year:

1035 ~~[(i) May 15;]~~

1036 (i) (A) seven days before the political convention for the political party of the school
1037 board officeholder; or

- 1038 (B) May 15, if the school board officeholder does not affiliate with a political party;
1039 (ii) seven days before the regular primary election date for that year;
1040 (iii) September 30; and
1041 (iv) seven days before the regular general election date.
- 1042 (2) Each interim report shall include the following information:
1043 (a) the net balance of the last summary report, if any;
1044 (b) a single figure equal to the total amount of receipts reported on all prior interim
1045 reports, if any, during the calendar year in which the interim report is due;
1046 (c) a single figure equal to the total amount of expenditures reported on all prior
1047 interim reports, if any, filed during the calendar year in which the interim report is due;
1048 (d) a detailed listing of each contribution and public service assistance received since
1049 the last summary report that has not been reported in detail on a prior interim report;
1050 (e) for each nonmonetary contribution:
1051 (i) the fair market value of the contribution with that information provided by the
1052 contributor; and
1053 (ii) a specific description of the contribution;
1054 (f) a detailed listing of each expenditure made since the last summary report that has
1055 not been reported in detail on a prior interim report;
1056 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
1057 (h) a net balance for the year consisting of the net balance from the last summary
1058 report, if any, plus all receipts since the last summary report minus all expenditures since the
1059 last summary report;
1060 (i) a summary page in the form required by the lieutenant governor that identifies:
1061 (i) beginning balance;
1062 (ii) total contributions during the period since the last statement;
1063 (iii) total contributions to date;
1064 (iv) total expenditures during the period since the last statement; and
1065 (v) total expenditures to date; and

1066 (j) the name of a political action committee for which the school board office candidate
1067 or school board [~~office holder~~] officeholder is designated as an officer who has primary
1068 decision-making authority under Section 20A-11-601.

1069 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
1070 single aggregate figure may be reported without separate detailed listings.

1071 (b) Two or more contributions from the same source that have an aggregate total of
1072 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1073 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1074 as of five days before the required filing date of the report.

1075 (b) Any negotiable instrument or check received by a school board office candidate or
1076 school board [~~office holder~~] officeholder more than five days before the required filing date of
1077 a report required by this section shall be included in the interim report.

1078 Section 9. Section 20A-11-1305 is amended to read:

1079 **20A-11-1305. School board office candidate -- Failure to file statement --**
1080 **Penalties.**

1081 (1) (a) A school board office candidate who fails to file a financial statement by the
1082 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

1083 (b) If a school board office candidate fails to file an interim report described in
1084 Subsections 20A-11-1303(1)(~~(b)~~)(c)(ii) through (iv), the chief election officer shall, after
1085 making a reasonable attempt to discover if the report was timely filed, inform the county clerk
1086 and other appropriate election officials who:

1087 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
1088 the ballots are delivered to voters; or

1089 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
1090 the voters by any practicable method that the candidate has been disqualified and that votes
1091 cast for the candidate will not be counted; and

1092 (ii) may not count any votes for that candidate.

1093 (c) Any school board office candidate who fails to file timely a financial statement

1094 required by Subsection 20A-11-1303(1)(~~b~~)(c)(ii), (iii), or (iv) is disqualified.

1095 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is
1096 not disqualified and the chief election officer may not impose a fine if:

1097 (i) the candidate timely files the reports required by this section in accordance with
1098 Section 20A-11-103;

1099 (ii) those reports are completed, detailing accurately and completely the information
1100 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1101 and

1102 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
1103 corrected in:

1104 (A) an amended report; or

1105 (B) the next scheduled report.

1106 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
1107 board office candidate, the lieutenant governor shall review each filed summary report to
1108 ensure that:

1109 (i) each school board office candidate [~~that~~] who is required to file a summary report
1110 has filed one; and

1111 (ii) each summary report contains the information required by this part.

1112 (b) If it appears that a school board office candidate has failed to file the summary
1113 report required by law, if it appears that a filed summary report does not conform to the law, or
1114 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1115 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1116 violation or receipt of a written complaint, notify the school board office candidate of the
1117 violation or written complaint and direct the school board office candidate to file a summary
1118 report correcting the problem.

1119 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
1120 summary report within seven days after receiving notice from the lieutenant governor under
1121 this section.

1122 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a
1123 class B misdemeanor.

1124 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1125 attorney general.

1126 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
1127 governor shall impose a civil fine of \$100 against a school board office candidate who violates
1128 Subsection (2)(c)(i).

1129 Section 10. Section **20A-14-103** is amended to read:

1130 **20A-14-103. State Board of Education -- Term -- Requirements.**

1131 (1) [~~(a)~~] Unless otherwise provided by law, each State Board of Education member
1132 elected from a State Board of Education district at [~~the 2010~~] or before the 2016 general
1133 election shall[~~:(i)~~] serve out the term of office for which that member was elected[~~; and~~].

1134 [~~(ii) represent the realigned district if the member resides in that district.~~]

1135 [~~(b) At the general election to be held in 2012, a State Board of Education member~~
1136 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~
1137 ~~to serve a term of office of four years.~~]

1138 [~~(c) In order to ensure that the terms of approximately half of the State Board of~~
1139 ~~Education members expire every two years:~~]

1140 [~~(i) at the general election to be held in 2012, the State Board of Education member~~
1141 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1142 ~~two years; and]~~

1143 [~~(ii) at the general election to be held in 2014, the State Board of Education member~~
1144 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~
1145 ~~four years.~~]

1146 (2) (a) A person seeking election to the State Board of Education shall have been a
1147 resident of the State Board of Education district in which the person is seeking election for at
1148 least one year as of the date of the election.

1149 (b) A person who has resided within the State Board of Education district, as the

1150 boundaries of the district exist on the date of the election, for one year immediately preceding
1151 the date of the election shall be considered to have met the requirements of this Subsection (2).

1152 (3) A State Board of Education member shall:

1153 (a) be and remain a registered voter in the State Board of Education district from which
1154 the member was elected or appointed; and

1155 (b) maintain the member's primary residence within the State Board of Education
1156 district from which the member was elected or appointed during the member's term of office.

1157 (4) A State Board of Education member may not, during the member's term of office,
1158 also serve as an employee of:

1159 (a) the State Board of Education;

1160 (b) the Utah State Office of Education; or

1161 (c) the Utah State Office of Rehabilitation.

1162 Section 11. Section **20A-14-104** is amended to read:

1163 **20A-14-104. Becoming a candidate for membership on the State Board of**
1164 **Education.**

1165 (1) ~~[(a) Persons]~~ An individual interested in becoming a candidate for the State Board
1166 of Education shall:

1167 (a) (i) for the 2016 general election, file a declaration of candidacy [according to], in
1168 accordance with the procedures and requirements of Sections 20A-9-201 and 20A-9-202[.],
1169 before 5 p.m. on March 17, 2016; or

1170 (ii) for a general election held after 2016, file a declaration of candidacy, in accordance
1171 with the procedures and requirements of Sections 20A-9-201 and 20A-9-202, on or after the
1172 second Friday in March, and before 5 p.m. on the third Thursday in March, before the next
1173 regular general election; and

1174 (b) pay the filing fee described in Section 20A-9-202.

1175 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~
1176 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
1177 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~

1178 ~~State Board of Education.]~~

1179 (2) The lieutenant governor shall:

1180 (a) review the declarations of candidacy filed by candidates for the office of State
1181 Board of Education member to determine if more than two candidates have filed for the same
1182 seat;

1183 (b) place the names of all candidates who have filed a declaration of candidacy for a
1184 State Board of Education seat on the nonpartisan section of the ballot if more than two
1185 candidates have filed for the same seat; and

1186 (c) determine the order of the State Board of Education candidates' names on the ballot
1187 in accordance with Section [20A-6-305](#).

1188 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
1189 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
1190 ~~shall be appointed by the governor as follows:]~~

1191 ~~[(a) one member shall be appointed to represent each of the following business and~~
1192 ~~industry sectors:]~~

1193 ~~[(i) manufacturing and mining;]~~

1194 ~~[(ii) transportation and public utilities;]~~

1195 ~~[(iii) service, trade, and information technology;]~~

1196 ~~[(iv) finance, insurance, and real estate;]~~

1197 ~~[(v) construction; and]~~

1198 ~~[(vi) agriculture; and]~~

1199 ~~[(b) one member shall be appointed to represent each of the following education~~
1200 ~~sectors:]~~

1201 ~~[(i) teachers;]~~

1202 ~~[(ii) school administrators;]~~

1203 ~~[(iii) parents;]~~

1204 ~~[(iv) local school board members;]~~

1205 ~~[(v) charter schools; and]~~

- 1206 ~~[(vi) higher education.]~~
- 1207 ~~[(3)(a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
1208 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
1209 ~~organizations representing each of the respective sectors.]~~
- 1210 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
1211 ~~within each state board district in which a member's term expires during the committee's~~
1212 ~~two-year term of office.]~~
- 1213 ~~[(4)(a) The members shall elect one member to serve as chair for the committee.]~~
- 1214 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~
1215 ~~schedule and convene all committee meetings.]~~
- 1216 ~~[(c) Any formal action by the committee requires the approval of a majority of~~
1217 ~~committee members.]~~
- 1218 ~~[(d) Members of the nominating and recruiting committee shall serve without~~
1219 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~
1220 ~~official duties as established by the Division of Finance.]~~
- 1221 ~~[(5) The nominating and recruiting committee shall:]~~
- 1222 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~
1223 ~~to the deadline to file a declaration of candidacy;]~~
- 1224 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~
1225 ~~each state board district subject to election in that year using the qualifications under~~
1226 ~~Subsection (6);]~~
- 1227 ~~[(c) submit a list of at least three candidates for each state board position to the~~
1228 ~~governor by July 1; and]~~
- 1229 ~~[(d) ensure that the list includes appropriate background information on each~~
1230 ~~candidate.]~~
- 1231 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~
1232 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~
1233 ~~Education, including experience in the following areas:]~~

- 1234 [~~(a) business and industry administration;~~]
- 1235 [~~(b) business and industry human resource management;~~]
- 1236 [~~(c) business and industry finance;~~]
- 1237 [~~(d) business and industry, including expertise in:~~]
- 1238 [~~(i) metrics and evaluation;~~]
- 1239 [~~(ii) manufacturing;~~]
- 1240 [~~(iii) retailing;~~]
- 1241 [~~(iv) natural resources;~~]
- 1242 [~~(v) information technology;~~]
- 1243 [~~(vi) construction;~~]
- 1244 [~~(vii) banking;~~]
- 1245 [~~(viii) science and engineering; and~~]
- 1246 [~~(ix) medical and healthcare;~~]
- 1247 [~~(e) higher education administration;~~]
- 1248 [~~(f) applied technology education;~~]
- 1249 [~~(g) public education administration;~~]
- 1250 [~~(h) public education instruction;~~]
- 1251 [~~(i) economic development;~~]
- 1252 [~~(j) labor; and~~]
- 1253 [~~(k) other life experiences that would benefit the State Board of Education.~~]

1254 Section 12. Section **20A-14-104.1** is enacted to read:

1255 **20A-14-104.1. State Board of Education -- Declaration of candidacy.**

1256 (1) A person interested in becoming a candidate for the State Board of Education shall
1257 file a declaration of candidacy according to the procedures and requirements of Sections
1258 [20A-9-201](#) and [20A-9-202](#).

1259 (2) The office of State Board of Education member is a partisan office.

1260 Section 13. Section **63I-2-220** is amended to read:

1261 **63I-2-220. Repeal dates, Title 20A.**

1262 [~~(1) Section 20A-3-704 is repealed January 1, 2016.~~]

1263 [~~(2) Section 20A-5-410 is repealed January 1, 2016.~~]

1264 [~~(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and~~
1265 ~~" or " is repealed January 1, 2015.~~]

1266 [~~(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not~~
1267 ~~described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is~~
1268 ~~repealed January 1, 2015.~~]

1269 [~~(4) Section 20A-9-403.1 is repealed on January 1, 2015.~~]

1270 On January 1, 2017:

1271 (1) in Subsection 20A-1-102(70), the language that states "State Board of Education
1272 and" is repealed;

1273 (2) in Subsection 20A-9-201(4)(a), the language that states "and State Board of
1274 Education candidates" is repealed;

1275 (3) Subsection 20A-9-201(9) is repealed;

1276 (4) in Subsection 20A-9-403(4)(c), the language that states "State Board of Education
1277 and" is repealed;

1278 (5) in Subsection 20A-9-403(5)(a), the language that states "State Board of Education
1279 or" is repealed; and

1280 (6) Section 20A-14-104 is repealed.

1281 **Section 14. Repealer.**

1282 This bill repeals:

1283 **Section 20A-14-105, Becoming a candidate for membership on the State Board of**
1284 **Education -- Selection of candidates by the governor -- Ballot placement.**

1285 **Section 15. Effective date.**

1286 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
1287 elected to each house, this bill takes effect upon approval by the governor, or the day following
1288 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
1289 signature, or in the case of a veto, the date of veto override.

- 1290 (2) The following sections take effect on January 1, 2017:
- 1291 (a) Section [20A-1-504](#);
- 1292 (b) Section [20A-9-408](#);
- 1293 (c) Section [20A-11-403](#);
- 1294 (d) Section [20A-11-1301](#);
- 1295 (e) Section [20A-11-1303](#);
- 1296 (f) Section [20A-11-1305](#); and
- 1297 (g) Section [20A-14-104.1](#).