

POLITICAL ACTIVITIES AND ELECTIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions relating to the regulation of candidates, officeholders, and lobbyists.

Highlighted Provisions:

This bill:

- ▶ clarifies penalty provisions of the Election Code;
- ▶ modifies provisions addressing the notification provided by the Department of Corrections to the lieutenant governor regarding convicted felons;
- ▶ defines the term "filing officer" for different portions of the Election Code;
- ▶ clarifies the information that the lieutenant governor includes in a ballot certification;
- ▶ modifies provisions relating to filling a State Board of Education candidate vacancy and a State Board of Education office vacancy;
- ▶ addresses the handling of, and access to, a financial disclosure form filed by a candidate;
- ▶ shortens the deadline for a filing officer to forward a financial disclosure form to the lieutenant governor;
- ▶ clarifies the definition of an "expenditure" under the Lobbyist Disclosure and Regulation Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-1-504**, as last amended by Laws of Utah 2016, Chapter 28

35 **20A-1-601**, as last amended by Laws of Utah 2008, Chapter 276

36 **20A-1-602**, as last amended by Laws of Utah 2008, Chapter 276

37 **20A-1-603**, as last amended by Laws of Utah 2008, Chapter 276

38 **20A-1-604**, as last amended by Laws of Utah 2016, Chapter 303

39 **20A-1-605**, as enacted by Laws of Utah 1993, Chapter 1

40 **20A-1-606**, as last amended by Laws of Utah 2008, Chapter 276

41 **20A-1-609**, as last amended by Laws of Utah 2016, Chapter 365

42 **20A-1-610**, as enacted by Laws of Utah 1993, Chapter 1

43 **20A-2-109**, as last amended by Laws of Utah 2011, Chapter 333

44 **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16

45 **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91

46 **20A-11-1305**, as last amended by Laws of Utah 2016, Chapter 28

47 **20A-11-1602**, as last amended by Laws of Utah 2014, Chapter 18

48 **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18

49 **20A-14-103**, as last amended by Laws of Utah 2016, Chapters 28, 144, and 271

50 **36-11-102**, as last amended by Laws of Utah 2015, Chapters 32, 188, and 264

51 REPEALS:

52 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

53 **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1

54

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

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

57 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
58 **state auditor, State Board of Education member, and lieutenant governor.**

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

62 (b) The governor shall fill the vacancy until the next regular general election by:

63 (i) appointing a person who meets the qualifications for the office from three persons
64 nominated by the state central committee of the same political party as the prior officeholder[-];
65 or

66 (ii) for a State Board of Education vacancy, if the individual who is being replaced:

67 (A) was elected at a nonpartisan State Board of Education election, by appointing, with
68 the consent of the Senate, an individual who meets the qualifications and residency
69 requirements for filling the vacancy described in Section [20A-14-103](#);

70 (B) was elected at a partisan State Board of Education election, but is not a member of
71 a political party, by appointing, with the consent of the Senate, an individual who meets the
72 qualifications and residency requirements for filling the vacancy described in Section
73 [20A-14-103](#); or

74 (C) was elected at a partisan State Board of Education election, and is a member of a
75 political party, by appointing an individual who meets the qualifications for the office from
76 three persons nominated by the state central committee of the same political party as the prior
77 officeholder.

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

81 [~~3) For a State Board of Education member vacancy, if the individual who is being~~
82 ~~replaced is not a member of a political party, or if the member was elected at or before the 2016~~

83 ~~regular general election, the governor shall fill the vacancy, with the consent of the Senate, by~~
84 ~~selecting an individual who meets the qualifications and residency requirements for filling the~~
85 ~~vacancy described in Section [20A-14-103](#).]~~

86 Section 2. Section **20A-1-601** is amended to read:

87 **20A-1-601. Bribery in elections -- Paying for votes -- Penalties.**

88 (1) A person may not, directly or indirectly, by himself or through any other person:

89 (a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or
90 other valuable consideration to or for any voter or to or for any other person:

91 (i) to induce the voter to vote or refrain from voting at any election provided by law;

92 (ii) to induce any voter to vote or refrain from voting at an election for any particular
93 person or measure;

94 (iii) to induce a voter to go to the polls or remain away from the polls at any election;

95 (iv) because a voter voted or refrained from voting for any particular person, or went to
96 the polls or remained away from the polls; or

97 (v) to obtain the political support or aid of any person at an election;

98 (b) give, offer, or promise any office, place, or employment, or to promise or procure,
99 or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any
100 other person, in order to:

101 (i) induce a voter to vote or refrain from voting at any election;

102 (ii) induce any voter to vote or refrain from voting at an election for any particular
103 person or measure; or

104 (iii) obtain the political support or aid of any person;

105 (c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the
106 use of, any other person with the intent that the money or other valuable thing be used in
107 bribery at any election provided by law; or

108 (d) knowingly pay, or cause to be paid, any money or other valuable thing to any
109 person in discharge or repayment of any money expended wholly or in part in bribery at any

110 election.

111 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
112 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a
113 third degree felony.

114 Section 3. Section **20A-1-602** is amended to read:

115 **20A-1-602. Receiving bribe -- Receiving payments for votes -- Penalties.**

116 (1) A person may not, for himself or for any other person, directly or indirectly, by
117 himself or through any person, before, during, or after any election:

118 (a) receive, agree to receive, or contract for any money, gift, loan, or other valuable
119 consideration, office, place, or employment for:

120 (i) voting or agreeing to vote;

121 (ii) going or agreeing to go to the polls;

122 (iii) remaining or agreeing to remain away from the polls; or

123 (iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or
124 refraining or agreeing to refrain from voting, for any particular person or measure at any
125 election provided by law; or

126 (b) receive any money or other valuable thing because the person induced any other
127 person to:

128 (i) vote or refrain from voting; or

129 (ii) vote or refrain from voting for any particular person or measure at any election
130 provided by law.

131 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
132 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a
133 third degree felony.

134 Section 4. Section **20A-1-603** is amended to read:

135 **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records**
136 **-- Penalties.**

- 137 (1) (a) A person may not fraudulently vote on behalf of himself or another, by:
- 138 (i) voting more than once at any one election;
- 139 (ii) knowingly handing in two or more ballots folded together;
- 140 (iii) changing any ballot after it has been cast or deposited in the ballot box;
- 141 (iv) adding or attempting to add any ballot or vote to those legally polled at any
- 142 election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either
- 143 before or after the ballots have been counted;
- 144 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots
- 145 lawfully polled while those ballots are being counted or canvassed, or at any other time; or
- 146 (vi) voting in a voting district or precinct when the person knew or should have known
- 147 that the person was not eligible for voter registration in that district or precinct, unless the
- 148 person is legally entitled to vote the ballot under Section [20A-4-107](#) or another provision of
- 149 this title.
- 150 (b) A person may not fraudulently interfere with an election by:
- 151 (i) willfully detaining, mutilating, or destroying any election returns;
- 152 (ii) in any manner, interfering with the officers holding an election or conducting a
- 153 canvass, or with the voters lawfully exercising their rights of voting at an election, so as to
- 154 prevent the election or canvass from being fairly held or lawfully conducted;
- 155 (iii) engaging in riotous conduct at any election, or interfering in any manner with any
- 156 election official in the discharge of the election official's duties;
- 157 (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or
- 158 declare the result of any election or to give or make any certificate, document, or evidence in
- 159 relation to any election, to violate or refuse to comply with the election officer's duty or any law
- 160 regulating the election officer's duty;
- 161 (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or
- 162 other thing from a polling place, or from the possession of the person authorized by law to have
- 163 the custody of that thing; or

164 (vi) aiding, counseling, providing, procuring, advising, or assisting any person to do
165 any of the acts specified in this section.

166 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
167 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a
168 class A misdemeanor.

169 Section 5. Section **20A-1-604** is amended to read:

170 **20A-1-604. Destroying instruction cards, sample ballots, or election**
171 **paraphernalia -- Penalties.**

172 (1) A person may not:

173 (a) willfully deface or destroy any list of candidates posted in accordance with the
174 provisions of this title;

175 (b) willfully deface, tear down, remove or destroy any card of instruction or sample
176 ballot, printed or posted for the instruction of voters during an election;

177 (c) willfully remove or destroy any of the supplies or conveniences furnished to enable
178 a voter to prepare the voter's ballot during an election; or

179 (d) willfully hinder the voting of others.

180 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
181 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of an
182 infraction.

183 Section 6. Section **20A-1-605** is amended to read:

184 **20A-1-605. Mutilating certificate of nomination -- Forging declination or**
185 **resignation -- Tampering with ballots.**

186 (1) It is unlawful for any person to:

187 (a) falsely mark or willfully deface or destroy:

188 (i) any certificate of nomination or any part of a certificate of nomination; or

189 (ii) any letter of declination or resignation;

190 (b) file any certificate of nomination or letter of declination or resignation knowing it,

191 or any part of it, to be falsely made;

192 (c) suppress any certificate of nomination, or letter of declination or resignation, or any
193 part of a certificate of nomination or letter of declination or resignation that has been legally
194 filed;

195 (d) forge any letter of declination or resignation;

196 (e) falsely make the official endorsement on any ballot;

197 (f) willfully destroy or deface any ballot;

198 (g) willfully delay the delivery of any ballots;

199 (h) examine any ballot offered or cast at the polls or found in any ballot box for any
200 purpose other than to determine which candidate was elected; and

201 (i) make or place any mark or device on any ballot in order to determine the name of
202 any person for whom the elector has voted.

203 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
204 20A-1-609(2) and (3), any person convicted of any of the offenses established by this section is
205 guilty of a class A misdemeanor.

206 Section 7. Section **20A-1-606** is amended to read:

207 **20A-1-606. Wagering on elections forbidden.**

208 (1) (a) A candidate may not, before or during any primary or election campaign:

209 (i) make any bet or wager anything of pecuniary value on the result of the primary or
210 election, or on any event or contingency relating to any pending primary or election;

211 (ii) become a party to any bet or wager on the result of a primary or election or on any
212 event or contingency relating to any pending primary or election; and

213 (iii) provide money or any other valuable thing to be used by any other person in
214 betting or wagering upon the results of any impending primary or election.

215 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
216 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a
217 third degree felony.

218 (2) (a) A person who is not a candidate may not make any bet or wager anything of
 219 pecuniary value on the result of any primary or election, or on any event or contingency relating
 220 to any primary or election.

221 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
 222 20A-1-609(2) and (3), a person who commits an offense under Subsection (2)(a) is guilty of a
 223 class B misdemeanor.

224 (3) (a) A person may not directly or indirectly make a bet or wager with any voter that
 225 is dependent upon the outcome of any primary or election with the intent to subject that voter
 226 to the possibility of challenge at a primary or election or to prevent the voter from voting at a
 227 primary or election.

228 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
 229 20A-1-609(2) and (3), a person who commits an offense under Subsection (3)(a) is guilty of a
 230 class B misdemeanor.

231 Section 8. Section **20A-1-609** is amended to read:

232 **20A-1-609. Omnibus penalties.**

233 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
 234 this title is guilty of a class B misdemeanor.

235 (b) Subsection (1)(a) does not apply to~~[(t)]~~ a provision of this title for which another
 236 penalty is expressly stated~~[; or]~~.

237 ~~[(t)]~~ (c) An individual is not guilty of a crime for, by signing a petition for an initiative
 238 or referendum, falsely making the statement described in Subsection 20A-7-203(2)(e),
 239 20A-7-303(2)(h), 20A-7-503(2)(e), or 20A-7-603(2)(h).

240 (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, [~~a person~~] an
 241 individual convicted of any offense under this title may not:

242 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
 243 for any office during the election cycle in which the violation occurred;

244 (b) take or hold the office to which ~~he~~ the individual was elected; and

245 (c) receive the emoluments of the office to which ~~he~~ the individual was elected.

246 (3) (a) Any ~~person~~ individual convicted of any offense under this title forfeits the
247 right to vote at any election unless the right to vote is restored as provided in Section
248 20A-2-101.3 or 20A-2-101.5.

249 (b) Any person may challenge the right to vote of a person described in Subsection
250 (3)(a) by following the procedures and requirements of Section 20A-3-202.

251 Section 9. Section **20A-1-610** is amended to read:

252 **20A-1-610. Abetting violation of chapter -- Penalty.**

253 In addition to the penalties established in [~~Section 20A-1-609~~] Subsections
254 20A-1-609(2) and (3), any person who aids, abets, or advises a violation of any provision of
255 this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

256 Section 10. Section **20A-2-109** is amended to read:

257 **20A-2-109. Statewide voter registration database -- Lieutenant governor to create**
258 **-- Counties to participate -- Maintenance of database -- Cooperation with governmental**
259 **entities -- Record security -- List of incarcerated felons.**

260 (1) (a) (i) The lieutenant governor shall develop a statewide voter registration database.

261 (ii) (A) The lieutenant governor may compare the information in the statewide voter
262 registration database with information submitted by a registered voter to a state agency to
263 identify a change in a registered voter's principal place of residence or name.

264 (B) The lieutenant governor shall establish matching criteria and security measures for
265 identifying a change described in Subsection (1)(a)(ii)(A) to ensure the accuracy of a voter
266 registration record.

267 (C) The lieutenant governor shall notify the county clerk of the county in which the
268 voter's principal place of residence is located of the change in the registered voter's principal
269 place of residence or name.

270 (b) Each county clerk shall utilize the statewide voter registration database when
271 recording or modifying voter registration records.

272 (2) (a) The lieutenant governor shall establish and implement a procedure to maintain
273 the accuracy of the statewide voter registration database by using information available from:

- 274 (i) a voter;
- 275 (ii) a governmental entity, as defined by Section 63G-2-103; or
- 276 (iii) another state.

277 (b) Subject to Subsection (2)(c), the lieutenant governor may cooperate or enter into an
278 agreement with a governmental entity or another state to share information to implement the
279 procedure established under Subsection (2)(a).

280 (c) For a record shared under Subsection (2)(b), the lieutenant governor shall ensure:

- 281 (i) that the record is only used to maintain the accuracy of a voter registration database;
- 282 (ii) compliance with Section 63G-2-206; and
- 283 (iii) that the record is secure from unauthorized use by employing data encryption or
284 another similar technology security system.

285 (3) (a) The lieutenant governor shall maintain a current list of all incarcerated felons in
286 Utah.

287 (b) (i) The Department of Corrections shall provide the lieutenant governor's office
288 with a list of the name and last-known address of each person who:

- 289 (A) was convicted of a felony in a Utah state court; and
- 290 (B) is currently incarcerated for commission of a felony.

291 (ii) The lieutenant governor shall establish the frequency of receipt of the information
292 and the method of transmitting the information after consultation with the Department of
293 Corrections.

294 (c) (i) The Department of Corrections shall provide the lieutenant governor's office
295 with a list ~~[of]~~ containing the name of each convicted felon who ~~[is no longer subject to the~~
296 ~~jurisdiction of the department because the person]~~ has been released from incarceration.

297 (ii) The lieutenant governor shall establish the frequency of receipt of the information
298 and the method of transmitting the information after consultation with the Department of

299 Corrections.

300 Section 11. Section **20A-9-101** is amended to read:

301 **20A-9-101. Definitions.**

302 As used in this chapter:

303 (1) (a) "Candidates for elective office" means persons who file a declaration of
304 candidacy under Section **20A-9-202** to run in a regular general election for a federal office,
305 constitutional office, multicounty office, or county office.

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

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

308 (ii) presidential elector;

309 (iii) any political party offices; and

310 (iv) municipal or local district offices.

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

313 (3) "Continuing political party" means the same as that term is defined in Section
314 **20A-8-101**.

315 (4) (a) "County office" means an elective office where the officeholder is selected by
316 voters entirely within one county.

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

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

319 (ii) the office of presidential elector;

320 (iii) any political party offices;

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

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

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

325 (6) "Filing officer" means:

- 326 (a) the lieutenant governor, for:
- 327 (i) the office of United States Senator and United States Representative; and
- 328 (ii) all constitutional offices;
- 329 (b) the county clerk, for county offices and local school district offices~~[-and]~~;
- 330 (c) the county clerk in the filer's county of residence, for multicounty offices;
- 331 ~~[(c)]~~ (d) the city or town clerk, for municipal offices; and
- 332 ~~[(d)]~~ (e) the local district clerk, for local district offices.
- 333 (7) "Local district office" means an elected office in a local district.
- 334 (8) "Local government office" includes county offices, municipal offices, and local
- 335 district offices and other elective offices selected by the voters from a political division entirely
- 336 within one county.
- 337 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
- 338 by the voters from more than one county.
- 339 (b) "Multicounty office" does not mean:
- 340 (i) a county office;
- 341 (ii) a federal office;
- 342 (iii) the office of justice or judge of any court of record or not of record;
- 343 (iv) the office of presidential elector;
- 344 (v) any political party offices; and
- 345 (vi) any municipal or local district offices.
- 346 (10) "Municipal office" means an elective office in a municipality.
- 347 (11) (a) "Political division" means a geographic unit from which an officeholder is
- 348 elected and that an officeholder represents.
- 349 (b) "Political division" includes a county, a city, a town, a local district, a school
- 350 district, a legislative district, and a county prosecution district.
- 351 (12) "Qualified political party" means a registered political party that:
- 352 (a) (i) permits a delegate for the registered political party to vote on a candidate

353 nomination in the registered political party's convention remotely; or
354 (ii) provides a procedure for designating an alternate delegate if a delegate is not
355 present at the registered political party's convention;
356 (b) does not hold the registered political party's convention before the fourth Saturday
357 in March of an even-numbered year;
358 (c) permits a member of the registered political party to seek the registered political
359 party's nomination for any elective office by the member choosing to seek the nomination by
360 either or both of the following methods:
361 (i) seeking the nomination through the registered political party's convention process,
362 in accordance with the provisions of Section 20A-9-407; or
363 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
364 of Section 20A-9-408; and
365 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
366 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
367 election in the following year, the registered political party intends to nominate the registered
368 political party's candidates in accordance with the provisions of Section 20A-9-406; or
369 (ii) if the registered political party is not a continuing political party, certifies at the
370 time that the registered political party files the petition described in Section 20A-8-103 that, for
371 the next election, the registered political party intends to nominate the registered political
372 party's candidates in accordance with the provisions of Section 20A-9-406.

373 Section 12. Section 20A-9-407 is amended to read:

374 **20A-9-407. Convention process to seek the nomination of a qualified political**
375 **party.**

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

379 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of

380 candidacy for a member of a qualified political party who is nominated by, or who is seeking
381 the nomination of, the qualified political party under this section shall be substantially as
382 described in Section [20A-9-408.5](#).

383 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
384 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
385 nomination of the qualified political party for an elective office that is to be filled at the next
386 general election, shall:

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

390 (b) pay the filing fee.

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

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

398 (b) pay the filing fee.

399 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
400 who files as the joint-ticket running mate of an individual who is nominated by a qualified
401 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
402 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
403 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
404 running mate.

405 (6) (a) A qualified political party that nominates a candidate under this section shall
406 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday

407 after the fourth Saturday in April.

408 (b) The lieutenant governor shall [~~ensure that the certification described in Subsection~~
409 ~~20A-9-701(1) also includes~~] include, in the primary ballot certification or, for a race where a
410 primary is not held because the candidate is unopposed, in the general election ballot
411 certification, the name of each candidate nominated by a qualified political party under this
412 section.

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

416 Section 13. Section 20A-11-1305 is amended to read:

417 **20A-11-1305. School board office candidate -- Failure to file statement --**
418 **Penalties.**

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

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

425 [~~(i) (A) shall, if practicable, remove the name of the candidate from the ballots before~~
426 ~~the ballots are delivered to voters; or]~~

427 (2) If a school board office candidate fails to file an interim report described in
428 Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic
429 notice to the school board office candidate and the political party of which the school board
430 office candidate is a member, if any, that states:

431 (a) that the school board office candidate failed to timely file the report; and

432 (b) that, if the school board office candidate fails to file the report within 24 hours after
433 the deadline for filing the report, the school board office candidate will be disqualified and the

434 political party will not be permitted to replace the candidate.

435 (3) (a) The lieutenant governor shall disqualify a school board office candidate and
436 inform the county clerk and other appropriate election officials that the school board office
437 candidate is disqualified if the school board office candidate fails to file an interim report
438 described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline
439 for filing the report.

440 (b) The political party of a school board office candidate who is disqualified under
441 Subsection (3)(a) may not replace the school board office candidate.

442 (4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the
443 election officer shall:

444 (i) remove the school board office candidate's name from the ballot; or

445 ~~[(B)]~~ (ii) [shall,] if removing the school board office candidate's name from the ballot
446 is not practicable, inform the voters by any practicable method that the school board office
447 candidate has been disqualified and that votes cast for the school board office candidate will
448 not be counted[; and].

449 ~~[(ii) may not count any votes for that candidate.]~~

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

452 ~~[(d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is~~
453 ~~not disqualified and the chief election officer may not impose a fine if:]~~

454 (b) An election officer may fulfill the requirement described in Subsection (4)(a) in
455 relation to an absentee voter, including a military or overseas absentee voter, by including with
456 the absentee ballot a written notice directing the voter to a public website that will inform the
457 voter whether a candidate on the ballot is disqualified.

458 (5) A school board office candidate is not disqualified if:

459 ~~[(i) the candidate timely files the reports required by this section in accordance with~~
460 ~~Section 20A-11-103;]~~

461 (a) the school board office candidate files the reports described in Subsections
462 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for
463 filing the reports;

464 ~~[(ii)]~~ (b) ~~[those]~~ the reports are completed, detailing accurately and completely the
465 information required by this part except for inadvertent omissions or insignificant errors or
466 inaccuracies; and

467 ~~[(iii)]~~ (c) ~~[those]~~ the omissions, errors, or inaccuracies described in Subsection
468 ~~[(1)(d)(ii)]~~ (5)(b) are corrected in~~[:]~~ an amended report or the next scheduled report.

469 ~~[(A) an amended report; or]~~

470 ~~[(B) the next scheduled report.]~~

471 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report ~~[by a~~
472 ~~school board office candidate]~~, the lieutenant governor shall review each filed summary report
473 to ensure that:

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

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

477 (b) If it appears that a school board office candidate has failed to file the summary
478 report required by law, if it appears that a filed summary report does not conform to the law, or
479 if the lieutenant governor has received a written complaint alleging a violation of the law or the
480 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
481 violation or receipt of a written complaint, notify the school board office candidate of the
482 violation or written complaint and direct the school board office candidate to file a summary
483 report correcting the problem.

484 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
485 summary report within seven days after receiving the notice described in Subsection (6)(b)
486 from the lieutenant governor ~~[under this section]~~.

487 (ii) Each school board office candidate who violates Subsection ~~[(2)]~~ (6)(c)(i) is guilty

488 of a class B misdemeanor.

489 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (6)(c)(i) to
490 the attorney general.

491 (iv) In addition to the criminal penalty described in Subsection [~~(2)~~] (6)(c)(ii), the
492 lieutenant governor shall impose a civil fine of \$100 against a school board office candidate
493 who violates Subsection [~~(2)~~] (6)(c)(i).

494 Section 14. Section **20A-11-1602** is amended to read:

495 **20A-11-1602. Definitions.**

496 As used in this part:

497 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
498 the officeholder reasonably believes may cause direct financial benefit or detriment to the
499 officeholder, a member of the officeholder's immediate family, or an individual or entity that
500 the officeholder is required to disclose under the provisions of this section, if that benefit or
501 detriment is distinguishable from the effects of that action on the public or on the officeholder's
502 profession, occupation, or association generally.

503 (2) "Entity" means a corporation, a partnership, a limited liability company, a limited
504 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
505 venture, a governmental entity, an unincorporated organization, or any other legal entity,
506 regardless of whether it is established primarily for the purpose of gain or economic profit.

507 (3) "Filing officer" means:

508 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
509 of Education member; or

510 (b) the county clerk in the county of the candidate's residence, for a state legislative
511 office.

512 [~~(3)~~] (4) "Immediate family" means the regulated officeholder's spouse, a child living
513 in the regulated officeholder's immediate household, or an individual claimed as a dependent
514 for state or federal income tax purposes by the regulated officeholder.

515 ~~[(4)]~~ (5) "Income" means earnings, compensation, or any other payment made to an
516 individual for gain, regardless of source, whether denominated as wages, salary, commission,
517 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
518 reimbursement, dividends, or otherwise.

519 ~~[(5)]~~ (6) (a) "Owner or officer" means an individual who owns an ownership interest in
520 an entity or holds a position where the person has authority to manage, direct, control, or make
521 decisions for:

- 522 (i) the entity or a portion of the entity; or
- 523 (ii) an employee, agent, or independent contractor of the entity.
- 524 (b) "Owner or officer" includes:
- 525 (i) a member of a board of directors or other governing body of an entity; or
- 526 (ii) a partner in any type of partnership.

527 ~~[(6)]~~ (7) "Preceding year" means the year immediately preceding the day on which the
528 regulated officeholder files a financial disclosure form.

529 ~~[(7)]~~ (8) "Regulated officeholder" means an individual who is required to file a
530 financial disclosure form under the provisions of this part.

531 ~~[(8)]~~ (9) "State constitutional officer" means the governor, the lieutenant governor, the
532 state auditor, the state treasurer, or the attorney general.

533 Section 15. Section **20A-11-1603** is amended to read:

534 **20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**
535 **Public availability.**

536 (1) Candidates seeking the following offices shall file a financial disclosure with the
537 filing officer at the time of filing a declaration of candidacy:

- 538 (a) state constitutional officer;
- 539 (b) state legislator; or
- 540 (c) State Board of Education member.

541 (2) A filing officer may not accept a declaration of candidacy for an office listed in

542 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure
543 required by this section.

544 (3) The financial disclosure form shall contain the same requirements and shall be in
545 the same format as the financial disclosure form described in Section 20A-11-1604.

546 [~~(4) The financial disclosure form shall:~~]

547 [~~(a) be made available for public inspection at the filing officer's place of business;~~]

548 [~~(b) if the filing officer is an individual other than the lieutenant governor, be provided
549 to the lieutenant governor within five business days of the date of filing and be made publicly
550 available at the Office of the Lieutenant Governor; and]~~

551 [~~(c) be made publicly available on the Statewide Electronic Voter Information Website
552 administered by the lieutenant governor.~~]

553 (4) The filing officer shall:

554 (a) make each financial disclosure form that the filing officer receives available for
555 public inspection at the filing officer's place of business; and

556 (b) if the filing officer is not the lieutenant governor, provide each financial disclosure
557 form to the lieutenant governor within one business day after the day on which the candidate
558 files the financial disclosure form.

559 (5) The lieutenant governor shall make each financial disclosure form that the
560 lieutenant governor receives available to the public:

561 (a) at the Office of the Lieutenant Governor; and

562 (b) on the Statewide Electronic Voter Information Website administered by the
563 lieutenant governor.

564 Section 16. Section 20A-14-103 is amended to read:

565 **20A-14-103. State Board of Education members -- Term -- Requirements.**

566 (1) Unless otherwise provided by law, each State Board of Education member elected
567 from a State Board of Education [~~District~~] district at [~~or before the 2016 general~~] a nonpartisan
568 election shall serve out the term of office for which that member was elected.

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

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

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

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

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

580 (4) A State Board of Education member may not, during the member's term of office,
581 also serve as an employee of the State Board of Education.

582 Section 17. Section **36-11-102** is amended to read:

583 **36-11-102. Definitions.**

584 As used in this chapter:

585 (1) "Aggregate daily expenditures" means:

586 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
587 made within a calendar day by the lobbyist, principal, or government officer for the benefit of
588 an individual public official;

589 (b) for an expenditure made by a member of a lobbyist group, the total of all
590 expenditures made within a calendar day by every member of the lobbyist group for the benefit
591 of an individual public official; or

592 (c) for a multicient lobbyist, the total of all expenditures made by the multicient
593 lobbyist within a calendar day for the benefit of an individual public official, regardless of
594 whether the expenditures were attributed to different clients.

595 (2) "Approved activity" means a tour or a meeting:

- 596 (a) (i) to which a legislator is invited; and
597 (ii) attendance at which is approved by:
598 (A) the speaker of the House of Representatives, if the public official is a member of
599 the House of Representatives; or
600 (B) the president of the Senate, if the public official is a member of the Senate; or
601 (b) (i) to which a public official who holds a position in the executive branch of state
602 government is invited; and
603 (ii) attendance at which is approved by the governor or the lieutenant governor.
604 (3) "Capitol hill complex" means the same as that term is defined in Section
605 [63C-9-102](#).
606 (4) (a) "Compensation" means anything of economic value, however designated, that is
607 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
608 services or ownership before any withholding required by federal or state law.
609 (b) "Compensation" includes:
610 (i) a salary or commission;
611 (ii) a bonus;
612 (iii) a benefit;
613 (iv) a contribution to a retirement program or account;
614 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
615 Code, and subject to Social Security deductions, including a payment in excess of the
616 maximum amount subject to deduction under Social Security law;
617 (vi) an amount that the individual authorizes to be deducted or reduced for salary
618 deferral or other benefits authorized by federal law; or
619 (vii) income based on an individual's ownership interest.
620 (5) "Compensation payor" means a person who pays compensation to a public official
621 in the ordinary course of business:
622 (a) because of the public official's ownership interest in the compensation payor; or

623 (b) for services rendered by the public official on behalf of the compensation payor.

624 (6) "Event" means entertainment, a performance, a contest, or a recreational activity
625 that an individual participates in or is a spectator at, including a sporting event, an artistic
626 event, a play, a movie, dancing, or singing.

627 (7) "Executive action" means:

628 (a) a nomination or appointment by the governor;

629 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
630 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

631 (c) agency ratemaking proceedings; or

632 (d) an adjudicative proceeding of a state agency.

633 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when
634 given to or for the benefit of a public official unless consideration of equal or greater value is
635 received:

636 (i) a purchase, payment, or distribution;

637 (ii) a loan, gift, or advance;

638 (iii) a deposit, subscription, or forbearance;

639 (iv) services or goods;

640 (v) money;

641 (vi) real property;

642 (vii) a ticket or admission to an event; or

643 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
644 any item listed in Subsections (8)(a)(i) through (vii).

645 (b) "Expenditure" does not mean:

646 (i) a commercially reasonable loan made in the ordinary course of business;

647 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,
648 Campaign and Financial Reporting Requirements;

649 (iii) printed informational material that is related to the performance of the recipient's

- 650 official duties;
- 651 (iv) a devise or inheritance;
- 652 (v) any item listed in Subsection (8)(a) if:
 - 653 (A) given by a relative;
 - 654 (B) given by a compensation payor for a purpose solely unrelated to the public
 - 655 official's position as a public official;
 - 656 (C) the item is food or beverage with a value that does not exceed the food
 - 657 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
 - 658 the food reimbursement rate; or
 - 659 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
 - 660 daily expenditures do not exceed \$10;
 - 661 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
 - 662 following are invited:
 - 663 (A) all members of the Legislature;
 - 664 (B) all members of a standing or interim committee;
 - 665 (C) all members of an official legislative task force;
 - 666 (D) all members of a party caucus; or
 - 667 (E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are
 - 668 attending a meeting of a national organization whose primary purpose is addressing general
 - 669 legislative policy;
 - 670 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
 - 671 official who is:
 - 672 (A) giving a speech at the event, tour, or meeting;
 - 673 (B) participating in a panel discussion at the event, tour, or meeting; or
 - 674 (C) presenting or receiving an award at the event, tour, or meeting;
 - 675 (viii) a plaque, commendation, or award that:
 - 676 (A) is presented in public;

677 (B) has the name of the individual receiving the plaque, commendation, or award
678 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
679 award;

680 (ix) a publication having a cash value not exceeding \$30;

681 (x) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
682 which is:

683 (A) to solicit contributions reportable under:

684 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or

685 (II) 2 U.S.C. Sec. 434; or

686 (B) charitable solicitation, as defined in Section 13-22-2;

687 (xi) travel to, lodging at, food or beverage served at, and admission to an approved
688 activity;

689 (xii) sponsorship of an event that is an approved activity;

690 (xiii) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or
691 from an event, a tour, or a meeting:

692 (A) that is sponsored by a governmental entity; or

693 (B) that is widely attended and related to a governmental duty of a public official; or

694 (xiv) travel to a widely attended tour or meeting related to a governmental duty of a
695 public official if that travel results in a financial savings to the state.

696 (9) "Food reimbursement rate" means the total amount set by the director of the
697 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
698 employee of the executive branch, for an entire day.

699 (10) (a) "Government officer" means:

700 (i) an individual elected to a position in state or local government, when acting within
701 the government officer's official capacity; or

702 (ii) an individual appointed to or employed in a full-time position by state or local
703 government, when acting within the scope of the individual's employment.

704 (b) "Government officer" does not mean a member of the legislative branch of state
705 government.

706 (11) "Immediate family" means:

707 (a) a spouse;

708 (b) a child residing in the household; or

709 (c) an individual claimed as a dependent for tax purposes.

710 (12) "Legislative action" means:

711 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
712 proposed in either house of the Legislature or its committees or requested by a legislator; and

713 (b) the action of the governor in approving or vetoing legislation.

714 (13) "Lobbying" means communicating with a public official for the purpose of
715 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

716 (14) (a) "Lobbyist" means:

717 (i) an individual who is employed by a principal; or

718 (ii) an individual who contracts for economic consideration, other than reimbursement
719 for reasonable travel expenses, with a principal to lobby a public official.

720 (b) "Lobbyist" does not include:

721 (i) a government officer;

722 (ii) a member or employee of the legislative branch of state government;

723 (iii) a person, including a principal, while appearing at, or providing written comments
724 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative
725 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

726 (iv) a person participating on or appearing before an advisory or study task force,
727 commission, board, or committee, constituted by the Legislature or any agency or department
728 of state government, except legislative standing, appropriation, or interim committees;

729 (v) a representative of a political party;

730 (vi) an individual representing a bona fide church solely for the purpose of protecting

731 the right to practice the religious doctrines of the church, unless the individual or church makes
732 an expenditure that confers a benefit on a public official;

733 (vii) a newspaper, television station or network, radio station or network, periodical of
734 general circulation, or book publisher for the purpose of publishing news items, editorials,
735 other comments, or paid advertisements that directly or indirectly urge legislative or executive
736 action;

737 (viii) an individual who appears on the individual's own behalf before a committee of
738 the Legislature or an agency of the executive branch of state government solely for the purpose
739 of testifying in support of or in opposition to legislative or executive action; or

740 (ix) an individual representing a business, entity, or industry, who:

741 (A) interacts with a public official, in the public official's capacity as a public official,
742 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the
743 interaction or while presenting at a legislative committee meeting at the same time that the
744 registered lobbyist is attending another legislative committee meeting; and

745 (B) does not make an expenditure for, or on behalf of, a public official in relation to the
746 interaction or during the period of interaction.

747 (15) "Lobbyist group" means two or more lobbyists, principals, government officers, or
748 any combination of lobbyists, principals, and officers who each contribute a portion of an
749 expenditure made to benefit a public official or member of the public official's immediate
750 family.

751 (16) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
752 make a decision, including a conference, seminar, or summit.

753 (17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
754 who represents two or more clients and divides the aggregate daily expenditure made to benefit
755 a public official or member of the public official's immediate family between two or more of
756 those clients.

757 (18) "Principal" means a person that employs an individual to perform lobbying, either

758 as an employee or as an independent contractor.

759 (19) "Public official" means:

760 (a) (i) a member of the Legislature;

761 (ii) an individual elected to a position in the executive branch of state government; or

762 (iii) an individual appointed to or employed in a position in the executive or legislative
763 branch of state government if that individual:

764 (A) occupies a policymaking position or makes purchasing or contracting decisions;

765 (B) drafts legislation or makes rules;

766 (C) determines rates or fees; or

767 (D) makes adjudicative decisions; or

768 (b) an immediate family member of a person described in Subsection (19)(a).

769 (20) "Public official type" means a notation to identify whether a public official is:

770 (a) (i) a member of the Legislature;

771 (ii) an individual elected to a position in the executive branch of state government;

772 (iii) an individual appointed to or employed in a position in the legislative branch of
773 state government who meets the definition of public official under Subsection (19)(a)(iii); or

774 (iv) an individual appointed to or employed in a position in the executive branch of
775 state government who meets the definition of public official under Subsection (19)(a)(iii); or

776 (b) an immediate family member of a person described in Subsection (19)(a).

777 (21) "Quarterly reporting period" means the three-month period covered by each
778 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

779 (22) "Related person" means a person, agent, or employee who knowingly and
780 intentionally assists a lobbyist, principal, or government officer in lobbying.

781 (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,
782 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse
783 of any of these individuals.

784 (24) "Tour" means visiting a location, for a purpose relating to the duties of a public

785 official, and not primarily for entertainment, including:

786 (a) viewing a facility;

787 (b) viewing the sight of a natural disaster; or

788 (c) assessing a circumstance in relation to which a public official may need to take

789 action within the scope of the public official's duties.

790 Section 18. **Repealer.**

791 This bill repeals:

792 Section **20A-1-507**, **Midterm vacancies in the State Board of Education.**

793 Section **20A-14-106**, **Vacancies on the State Board of Education.**

794 Section 19. **Effective date.**

795 If approved by two-thirds of all the members elected to each house, this bill takes effect

796 upon approval by the governor, or the day following the constitutional time limit of Utah

797 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

798 the date of veto override.