

STATE BOARD OF EDUCATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ reduces the size and modifies the membership of the State Board of Education;
- ▶ provides that members of the State Board of Education are appointed by the governor, with the consent of the Senate;
- ▶ addresses board member terms, removal, and vacancies;
- ▶ provides for the transition from old board members to new board members;
- ▶ removes the State Board of Education from provisions of the Election Code; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a contingent effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-404, as last amended by Laws of Utah 2008, Chapter 13

20A-1-504, as last amended by Laws of Utah 2018, Chapter 19



- 28 **20A-6-305**, as last amended by Laws of Utah 2017, Chapter 275
- 29 **20A-9-408**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 30 **20A-11-101**, as last amended by Laws of Utah 2019, Chapters 155 and 165
- 31 **20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 32 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
- 33 **20A-11-403**, as last amended by Laws of Utah 2019, Chapter 74
- 34 **20A-11-1202**, as last amended by Laws of Utah 2019, Chapter 203
- 35 **53E-3-201**, as last amended by Laws of Utah 2019, Chapter 186

36 ENACTS:

- 37 **53E-3-205**, Utah Code Annotated 1953

38 REPEALS:

- 39 **20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 40 **20A-11-1302**, as last amended by Laws of Utah 2019, Chapter 74
- 41 **20A-11-1303**, as last amended by Laws of Utah 2019, Chapter 74
- 42 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 43 **20A-11-1305**, as last amended by Laws of Utah 2018, Chapter 19
- 44 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 45 **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455
- 46 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 47 **20A-14-102.1**, as last amended by Laws of Utah 2018, Chapter 330
- 48 **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455
- 49 **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455
- 50 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19
- 51 **20A-14-104.1**, as last amended by Laws of Utah 2019, Chapter 507

52

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

54 Section 1. Section **20A-1-404** is amended to read:

55 **20A-1-404. Election controversies.**

56 (1) (a) (i) Whenever any controversy occurs between any election officer or other
57 person or entity charged with any duty or function under this title and any candidate, or the
58 officers or representatives of any political party, or persons who have made nominations, either

59 party to the controversy may file a verified petition with the district court.

60 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
61 respondents on the same day that the petition is filed with the court.

62 (b) The verified petition shall identify concisely the nature of the controversy and the
63 relief sought.

64 (2) After reviewing the petition, the court shall:

65 (a) issue an order commanding the respondent named in the petition to appear before
66 the court to answer, under oath, to the petition;

67 (b) summarily hear and dispose of any issues raised by the petition to obtain:

68 (i) strict compliance with all filing deadlines for financial disclosure reports under:

69 (A) Section 10-3-208, regarding campaign finance statements in municipal elections;

70 (B) Section 17-16-6.5, regarding campaign finance statements for county offices;

71 (C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization
72 and Financial Reporting Requirements;

73 (D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign
74 Organization and Financial Reporting Requirements;

75 (E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;

76 (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting
77 Requirements;

78 (G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and
79 Financial Reporting Requirements;

80 (H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;

81 (I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and
82 Financial Reporting; and

83 [~~(J)~~ Title 20A, Chapter 11, Part 13, State School Board Candidates; and]

84 [~~(K)~~ (J) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting
85 Requirements for Judicial Retention Elections; and

86 (ii) substantial compliance with all other provisions of this title by the parties to the
87 controversy; and

88 (c) make and enter orders and judgments, and issue the process of the court to enforce
89 all of those orders and judgments.

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

91 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
92 **state auditor, and lieutenant governor.**

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

96 (b) The governor shall fill the vacancy until the next regular general election, by[~~:(i)~~]
97 appointing a person who meets the qualifications for the office from three persons nominated
98 by the state central committee of the same political party as the prior officeholder[~~; or~~].

99 [~~(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~

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

103 [~~(B) was elected at a partisan State Board of Education election, but is not a member of~~
104 ~~a political party, by appointing, with the consent of the Senate, an individual who meets the~~
105 ~~qualifications and residency requirements for filling the vacancy described in Section~~
106 ~~20A-14-103; or]~~

107 [~~(C) was elected at a partisan State Board of Education election, and is a member of a~~
108 ~~political party, by appointing an individual who meets the qualifications for the office from~~
109 ~~three persons nominated by the state central committee of the same political party as the prior~~
110 ~~officeholder.]~~

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

114 Section 3. Section **20A-6-305** is amended to read:

115 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
116 **Publication -- Surname -- Exemptions -- Ballot order.**

117 (1) As used in this section, "master ballot position list" means an official list of the 26
118 characters in the alphabet listed in random order and numbered from one to 26 as provided
119 under Subsection (2).

120 (2) The lieutenant governor shall:

121 (a) within 30 days after the candidate filing deadline in each even-numbered year,
122 conduct a random selection to create a master ballot position list for all elections in accordance
123 with procedures established under Subsection (2)(c);

124 (b) publish the master ballot position list on the lieutenant governor's election website
125 no later than 15 days after creating the list; and

126 (c) establish written procedures for:

127 (i) the election official to use the master ballot position list; and

128 (ii) the lieutenant governor in:

129 (A) conducting the random selection in a fair manner; and

130 (B) providing a record of the random selection process used.

131 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
132 election officer shall use the master ballot position list for the current year to determine the
133 order in which to list candidates on the ballot for an election held during the year.

134 (4) To determine the order in which to list candidates on the ballot required under
135 Subsection (3), the election officer shall apply the randomized alphabet using:

136 (a) the candidate's surname;

137 (b) for candidates with a surname that has the same spelling, the candidate's given
138 name;

139 (c) the surname of the president and the surname of the governor for an election for the
140 offices of president and vice president and governor and lieutenant governor; and

141 (d) if the ballot provides for a ticket or a straight party ticket, the registered political
142 party name.

143 (5) Subsections (1) through (4) do not apply to:

144 (a) an election for an office for which only one candidate is listed on the ballot; or

145 (b) a judicial retention election under Section [20A-12-201](#).

146 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
147 appear separately, in the following order:

148 (a) a straight party ticket, where the voter may, with one mark, vote for all candidates
149 of one political party;

150 (b) for federal office:

151 (i) president and vice president of the United States;

- 152 (ii) United States Senate office; and
- 153 (iii) United States House of Representatives office;
- 154 (c) for state office:
- 155 (i) governor and lieutenant governor;
- 156 (ii) attorney general;
- 157 (iii) state auditor;
- 158 (iv) state treasurer;
- 159 (v) state Senate office; and
- 160 (vi) state House of Representatives office; [~~and~~]
- 161 [~~(vii) State Board of Education member;~~]
- 162 (d) for county office:
- 163 (i) county executive office;
- 164 (ii) county legislative body member;
- 165 (iii) county assessor;
- 166 (iv) county or district attorney;
- 167 (v) county auditor;
- 168 (vi) county clerk;
- 169 (vii) county recorder;
- 170 (viii) county sheriff;
- 171 (ix) county surveyor;
- 172 (x) county treasurer; and
- 173 (xi) local school board member;
- 174 (e) for municipal office:
- 175 (i) mayor; and
- 176 (ii) city or town council member;
- 177 (f) elected planning and service district council member;
- 178 (g) judicial retention questions; and
- 179 (h) ballot propositions not described in Subsection (6)(g).
- 180 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place
- 181 of the earliest ballot ticket position that is reserved for an office that is subsumed in the
- 182 combined office.

- 183 (b) Each ticket, other than a ticket described in Subsection (6)(g), shall list:
184 (i) each candidate in accordance with Subsections (1) through (4); and
185 (ii) except as otherwise provided in this title, the party name, initials, or title following
186 each candidate's name.

187 Section 4. Section **20A-9-408** is amended to read:

188 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
189 **political party.**

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

193 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of
194 candidacy for a member of a qualified political party who is nominated by, or who is seeking
195 the nomination of, the qualified political party under this section shall be substantially as
196 described in Section [20A-9-408.5](#).

197 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
198 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
199 nomination of the qualified political party for an elective office that is to be filled at the next
200 general election shall:

201 (a) within the period beginning on January 1 before the next regular general election
202 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
203 signatures under this section, file with the filing officer on a form approved by the lieutenant
204 governor a notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

212 (b) except as provided in Subsection [20A-9-202\(1\)\(c\)](#), file a declaration of candidacy,
213 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on

214 the third Thursday in March before the next regular general election; and

215 (c) pay the filing fee.

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

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

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

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

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

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

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

230 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
231 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
232 the third Thursday in March before the next regular general election; and

233 (c) pay the filing fee.

234 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
235 who files as the joint-ticket running mate of an individual who is nominated by a qualified
236 political party, under this section, for the office of governor shall, before the deadline described
237 in Subsection 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter
238 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
239 running mate.

240 (6) The lieutenant governor shall ensure that the certification described in Subsection
241 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
242 under this section.

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

245 party that nominated the candidate.

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

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

249 (b) collecting signatures, on a form approved by the lieutenant governor, during the
250 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before
251 the day on which the qualified political party's convention for the office is held, in the
252 following amounts:

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

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

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

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

265 [~~(v) for a State Board of Education race, the lesser of:]~~

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

269 [~~(B) 3% of the registered voters of the qualified political party who are residents of the
270 applicable State Board of Education district; and]~~

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

274 (9) (a) In order for a member of the qualified political party to qualify as a candidate
275 for the qualified political party's nomination for an elective office under this section, the

276 member shall:

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

279 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
280 before the day on which the qualified political party holds the party's convention to select
281 candidates, for the elective office, for the qualified political party's nomination.

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

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

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

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

292 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
293 election officer shall, no later than the earlier of 14 days after the day on which the election
294 officer receives the signatures, or one day before the day on which the qualified political party
295 holds the convention to select a nominee for the elective office to which the signature packets
296 relate:

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

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

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

304 (iv) certify whether each name is that of a registered voter who is qualified to sign the
305 signature packet.

306 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the

307 election officer shall, no later than one day before the day on which the qualified political party
308 holds the convention to select a nominee for the elective office to which the signature packets
309 relate, notify the qualified political party and the lieutenant governor of the name of each
310 member of the qualified political party who qualifies as a nominee of the qualified political
311 party, under this section, for the elective office to which the convention relates.

312 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in
313 this section, the lieutenant governor shall post the notice of intent to gather signatures for
314 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
315 posts a declaration of candidacy.

316 Section 5. Section **20A-11-101** is amended to read:

317 **20A-11-101. Definitions.**

318 As used in this chapter:

319 (1) "Address" means the number and street where an individual resides or where a
320 reporting entity has its principal office.

321 (2) "Agent of a reporting entity" means:

322 (a) a person acting on behalf of a reporting entity at the direction of the reporting
323 entity;

324 (b) a person employed by a reporting entity in the reporting entity's capacity as a
325 reporting entity;

326 (c) the personal campaign committee of a candidate or officeholder;

327 (d) a member of the personal campaign committee of a candidate or officeholder in the
328 member's capacity as a member of the personal campaign committee of the candidate or
329 officeholder; or

330 (e) a political consultant of a reporting entity.

331 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
332 amendments, and any other ballot propositions submitted to the voters that are authorized by
333 the Utah Code Annotated 1953.

334 (4) "Candidate" means any person who:

335 (a) files a declaration of candidacy for a public office; or

336 (b) receives contributions, makes expenditures, or gives consent for any other person to
337 receive contributions or make expenditures to bring about the person's nomination or election

338 to a public office.

339 (5) "Chief election officer" means:

340 (a) the lieutenant governor for state office candidates, legislative office candidates,
341 officeholders, political parties, political action committees, corporations, political issues
342 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in
343 Section 20A-11-1501; and

344 (b) the county clerk for local school board candidates.

345 (6) (a) "Contribution" means any of the following when done for political purposes:

346 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
347 value given to the filing entity;

348 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
349 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
350 anything of value to the filing entity;

351 (iii) any transfer of funds from another reporting entity to the filing entity;

352 (iv) compensation paid by any person or reporting entity other than the filing entity for
353 personal services provided without charge to the filing entity;

354 (v) remuneration from:

355 (A) any organization or its directly affiliated organization that has a registered lobbyist;

356 or

357 (B) any agency or subdivision of the state, including school districts;

358 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

359 (vii) in-kind contributions.

360 (b) "Contribution" does not include:

361 (i) services provided by individuals volunteering a portion or all of their time on behalf
362 of the filing entity if the services are provided without compensation by the filing entity or any
363 other person;

364 (ii) money lent to the filing entity by a financial institution in the ordinary course of
365 business; or

366 (iii) goods or services provided for the benefit of a candidate or political party at less
367 than fair market value that are not authorized by or coordinated with the candidate or political
368 party.

369 (7) "Coordinated with" means that goods or services provided for the benefit of a
370 candidate or political party are provided:

371 (a) with the candidate's or political party's prior knowledge, if the candidate or political
372 party does not object;

373 (b) by agreement with the candidate or political party;

374 (c) in coordination with the candidate or political party; or

375 (d) using official logos, slogans, and similar elements belonging to a candidate or
376 political party.

377 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
378 organization that is registered as a corporation or is authorized to do business in a state and
379 makes any expenditure from corporate funds for:

380 (i) the purpose of expressly advocating for political purposes; or

381 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
382 proposition.

383 (b) "Corporation" does not mean:

384 (i) a business organization's political action committee or political issues committee; or

385 (ii) a business entity organized as a partnership or a sole proprietorship.

386 (9) "County political party" means, for each registered political party, all of the persons
387 within a single county who, under definitions established by the political party, are members of
388 the registered political party.

389 (10) "County political party officer" means a person whose name is required to be
390 submitted by a county political party to the lieutenant governor in accordance with Section
391 [20A-8-402](#).

392 (11) "Detailed listing" means:

393 (a) for each contribution or public service assistance:

394 (i) the name and address of the individual or source making the contribution or public
395 service assistance, except to the extent that the name or address of the individual or source is
396 unknown;

397 (ii) the amount or value of the contribution or public service assistance; and

398 (iii) the date the contribution or public service assistance was made; and

399 (b) for each expenditure:

- 400 (i) the amount of the expenditure;
- 401 (ii) the person or entity to whom it was disbursed;
- 402 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 403 (iv) the date the expenditure was made.
- 404 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 405 for membership in the corporation, to a corporation without receiving full and adequate
- 406 consideration for the money.
- 407 (b) "Donor" does not include a person that signs a statement that the corporation may
- 408 not use the money for an expenditure or political issues expenditure.
- 409 (13) "Election" means each:
- 410 (a) regular general election;
- 411 (b) regular primary election; and
- 412 (c) special election at which candidates are eliminated and selected.
- 413 (14) "Electioneering communication" means a communication that:
- 414 (a) has at least a value of \$10,000;
- 415 (b) clearly identifies a candidate or judge; and
- 416 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 417 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 418 identified candidate's or judge's election date.
- 419 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 420 agent of a reporting entity on behalf of the reporting entity:
- 421 (i) any disbursement from contributions, receipts, or from the separate bank account
- 422 required by this chapter;
- 423 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 424 or anything of value made for political purposes;
- 425 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 426 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 427 value for political purposes;
- 428 (iv) compensation paid by a filing entity for personal services rendered by a person
- 429 without charge to a reporting entity;
- 430 (v) a transfer of funds between the filing entity and a candidate's personal campaign

431 committee; or

432 (vi) goods or services provided by the filing entity to or for the benefit of another
433 reporting entity for political purposes at less than fair market value.

434 (b) "Expenditure" does not include:

435 (i) services provided without compensation by individuals volunteering a portion or all
436 of their time on behalf of a reporting entity;

437 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
438 business; or

439 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
440 candidates for office or officeholders in states other than Utah.

441 (16) "Federal office" means the office of president of the United States, United States
442 Senator, or United States Representative.

443 (17) "Filing entity" means the reporting entity that is required to file a financial
444 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

445 (18) "Financial statement" includes any summary report, interim report, verified
446 financial statement, or other statement disclosing contributions, expenditures, receipts,
447 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
448 Retention Elections.

449 (19) "Governing board" means the individual or group of individuals that determine the
450 candidates and committees that will receive expenditures from a political action committee,
451 political party, or corporation.

452 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
453 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
454 metro township.

455 (21) "Incorporation election" means the election conducted under Section [10-2a-210](#) or
456 [10-2a-404](#).

457 (22) "Incorporation petition" means a petition described in Section [10-2a-208](#).

458 (23) "Individual" means a natural person.

459 (24) "In-kind contribution" means anything of value, other than money, that is accepted
460 by or coordinated with a filing entity.

461 (25) "Interim report" means a report identifying the contributions received and

462 expenditures made since the last report.

463 (26) "Legislative office" means the office of state senator, state representative, speaker
464 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
465 whip of any party caucus in either house of the Legislature.

466 (27) "Legislative office candidate" means a person who:

467 (a) files a declaration of candidacy for the office of state senator or state representative;

468 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
469 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
470 assistant whip of any party caucus in either house of the Legislature; or

471 (c) receives contributions, makes expenditures, or gives consent for any other person to
472 receive contributions or make expenditures to bring about the person's nomination, election, or
473 appointment to a legislative office.

474 (28) "Loan" means any of the following provided by a person that benefits a filing
475 entity if the person expects repayment or reimbursement:

476 (a) an expenditure made using any form of payment;

477 (b) money or funds received by the filing entity;

478 (c) the provision of a good or service with an agreement or understanding that payment
479 or reimbursement will be delayed; or

480 (d) use of any line of credit.

481 (29) "Major political party" means either of the two registered political parties that
482 have the greatest number of members elected to the two houses of the Legislature.

483 (30) "Officeholder" means a person who holds a public office.

484 (31) "Party committee" means any committee organized by or authorized by the
485 governing board of a registered political party.

486 (32) "Person" means both natural and legal persons, including individuals, business
487 organizations, personal campaign committees, party committees, political action committees,
488 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

489 (33) "Personal campaign committee" means the committee appointed by a candidate to
490 act for the candidate as provided in this chapter.

491 (34) "Personal use expenditure" has the same meaning as provided under Section
492 [20A-11-104](#).

493 (35) (a) "Political action committee" means an entity, or any group of individuals or
494 entities within or outside this state, a major purpose of which is to:

495 (i) solicit or receive contributions from any other person, group, or entity for political
496 purposes; or

497 (ii) make expenditures to expressly advocate for [~~any person~~] an individual to refrain
498 from voting or to vote for or against any candidate or person seeking election to a municipal or
499 county office.

500 (b) "Political action committee" includes groups affiliated with a registered political
501 party but not authorized or organized by the governing board of the registered political party
502 that receive contributions or makes expenditures for political purposes.

503 (c) "Political action committee" does not mean:

504 (i) a party committee;

505 (ii) any entity that provides goods or services to a candidate or committee in the regular
506 course of its business at the same price that would be provided to the general public;

507 (iii) an individual;

508 (iv) individuals who are related and who make contributions from a joint checking
509 account;

510 (v) a corporation, except a corporation a major purpose of which is to act as a political
511 action committee; or

512 (vi) a personal campaign committee.

513 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
514 by another person on behalf of and with the knowledge of the reporting entity, to provide
515 political advice to the reporting entity.

516 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
517 where the person:

518 (i) has already been paid, with money or other consideration;

519 (ii) expects to be paid in the future, with money or other consideration; or

520 (iii) understands that the person may, in the discretion of the reporting entity or another
521 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
522 money or other consideration.

523 (37) "Political convention" means a county or state political convention held by a

524 registered political party to select candidates.

525 (38) (a) "Political issues committee" means an entity, or any group of individuals or
526 entities within or outside this state, a major purpose of which is to:

527 (i) solicit or receive donations from any other person, group, or entity to assist in
528 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
529 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

530 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
531 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
532 proposed ballot proposition or an incorporation in an incorporation election; or

533 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
534 ballot or to assist in keeping a ballot proposition off the ballot.

535 (b) "Political issues committee" does not mean:

536 (i) a registered political party or a party committee;

537 (ii) any entity that provides goods or services to an individual or committee in the
538 regular course of its business at the same price that would be provided to the general public;

539 (iii) an individual;

540 (iv) individuals who are related and who make contributions from a joint checking
541 account;

542 (v) a corporation, except a corporation a major purpose of which is to act as a political
543 issues committee; or

544 (vi) a group of individuals who:

545 (A) associate together for the purpose of challenging or supporting a single ballot
546 proposition, ordinance, or other governmental action by a county, city, town, local district,
547 special service district, or other local political subdivision of the state;

548 (B) have a common liberty, property, or financial interest that is directly impacted by
549 the ballot proposition, ordinance, or other governmental action;

550 (C) do not associate together, for the purpose described in Subsection (38)(b)(vi)(A),
551 via a legal entity;

552 (D) do not receive funds for challenging or supporting the ballot proposition,
553 ordinance, or other governmental action from a person other than an individual in the group;
554 and

555 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
556 (38)(b)(vi)(A).

557 (39) (a) "Political issues contribution" means any of the following:

558 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
559 anything of value given to a political issues committee;

560 (ii) an express, legally enforceable contract, promise, or agreement to make a political
561 issues donation to influence the approval or defeat of any ballot proposition;

562 (iii) any transfer of funds received by a political issues committee from a reporting
563 entity;

564 (iv) compensation paid by another reporting entity for personal services rendered
565 without charge to a political issues committee; and

566 (v) goods or services provided to or for the benefit of a political issues committee at
567 less than fair market value.

568 (b) "Political issues contribution" does not include:

569 (i) services provided without compensation by individuals volunteering a portion or all
570 of their time on behalf of a political issues committee; or

571 (ii) money lent to a political issues committee by a financial institution in the ordinary
572 course of business.

573 (40) (a) "Political issues expenditure" means any of the following when made by a
574 political issues committee or on behalf of a political issues committee by an agent of the
575 reporting entity:

576 (i) any payment from political issues contributions made for the purpose of influencing
577 the approval or the defeat of:

578 (A) a ballot proposition; or

579 (B) an incorporation petition or incorporation election;

580 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
581 the express purpose of influencing the approval or the defeat of:

582 (A) a ballot proposition; or

583 (B) an incorporation petition or incorporation election;

584 (iii) an express, legally enforceable contract, promise, or agreement to make any
585 political issues expenditure;

586 (iv) compensation paid by a reporting entity for personal services rendered by a person
587 without charge to a political issues committee; or

588 (v) goods or services provided to or for the benefit of another reporting entity at less
589 than fair market value.

590 (b) "Political issues expenditure" does not include:

591 (i) services provided without compensation by individuals volunteering a portion or all
592 of their time on behalf of a political issues committee; or

593 (ii) money lent to a political issues committee by a financial institution in the ordinary
594 course of business.

595 (41) "Political purposes" means an act done with the intent or in a way to influence or
596 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
597 against any:

598 (a) candidate or a person seeking a municipal or county office at any caucus, political
599 convention, or election; or

600 (b) judge standing for retention at any election.

601 (42) (a) "Poll" means the survey of a person regarding the person's opinion or
602 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
603 ballot proposition that has legally qualified for placement on the ballot, [~~which~~] that is
604 conducted in person or by telephone, facsimile, Internet, postal mail, or email.

605 (b) "Poll" does not include:

606 (i) a ballot; or

607 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

608 (A) the focus group consists of more than three, and less than thirteen, individuals; and

609 (B) all individuals in the focus group are present during the interview.

610 (43) "Primary election" means any regular primary election held under the election
611 laws.

612 (44) "Publicly identified class of individuals" means a group of 50 or more individuals
613 sharing a common occupation, interest, or association that contribute to a political action
614 committee or political issues committee and whose names can be obtained by contacting the
615 political action committee or political issues committee upon whose financial statement the
616 individuals are listed.

617 (45) "Public office" means the office of governor, lieutenant governor, state auditor,
618 state treasurer, attorney general, [~~state school board member,~~] state senator, state
619 representative, speaker of the House of Representatives, president of the Senate, and the leader,
620 whip, and assistant whip of any party caucus in either house of the Legislature.

621 (46) (a) "Public service assistance" means the following when given or provided to an
622 officeholder to defray the costs of functioning in a public office or aid the officeholder to
623 communicate with the officeholder's constituents:

624 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
625 money or anything of value to an officeholder; or

626 (ii) goods or services provided at less than fair market value to or for the benefit of the
627 officeholder.

628 (b) "Public service assistance" does not include:

629 (i) anything provided by the state;

630 (ii) services provided without compensation by individuals volunteering a portion or all
631 of their time on behalf of an officeholder;

632 (iii) money lent to an officeholder by a financial institution in the ordinary course of
633 business;

634 (iv) news coverage or any publication by the news media; or

635 (v) any article, story, or other coverage as part of any regular publication of any
636 organization unless substantially all the publication is devoted to information about the
637 officeholder.

638 (47) "Receipts" means contributions and public service assistance.

639 (48) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
640 Lobbyist Disclosure and Regulation Act.

641 (49) "Registered political action committee" means any political action committee that
642 is required by this chapter to file a statement of organization with the Office of the Lieutenant
643 Governor.

644 (50) "Registered political issues committee" means any political issues committee that
645 is required by this chapter to file a statement of organization with the Office of the Lieutenant
646 Governor.

647 (51) "Registered political party" means an organization of voters that:

648 (a) participated in the last regular general election and polled a total vote equal to 2%
649 or more of the total votes cast for all candidates for the United States House of Representatives
650 for any of its candidates for any office; or

651 (b) has complied with the petition and organizing procedures of Chapter 8, Political
652 Party Formation and Procedures.

653 (52) (a) "Remuneration" means a payment:

654 (i) made to a legislator for the period the Legislature is in session; and

655 (ii) that is approximately equivalent to an amount a legislator would have earned
656 during the period the Legislature is in session in the legislator's ordinary course of business.

657 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

658 (i) the legislator's primary employer in the ordinary course of business; or

659 (ii) a person or entity in the ordinary course of business:

660 (A) because of the legislator's ownership interest in the entity; or

661 (B) for services rendered by the legislator on behalf of the person or entity.

662 (53) "Reporting entity" means a candidate, a candidate's personal campaign committee,
663 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
664 action committee, a political issues committee, a corporation, or a labor organization, as
665 defined in Section [20A-11-1501](#).

666 [~~(54) "School board office" means the office of state school board.~~]

667 [~~(55)~~] (54) (a) "Source" means the person or entity that is the legal owner of the
668 tangible or intangible asset that comprises the contribution.

669 (b) "Source" means, for political action committees and corporations, the political
670 action committee and the corporation as entities, not the contributors to the political action
671 committee or the owners or shareholders of the corporation.

672 [~~(56)~~] (55) "State office" means the offices of governor, lieutenant governor, attorney
673 general, state auditor, and state treasurer.

674 [~~(57)~~] (56) "State office candidate" means a person who:

675 (a) files a declaration of candidacy for a state office; or

676 (b) receives contributions, makes expenditures, or gives consent for any other person to
677 receive contributions or make expenditures to bring about the person's nomination, election, or
678 appointment to a state office.

679 [~~(58)~~] (57) "Summary report" means the year end report containing the summary of a
680 reporting entity's contributions and expenditures.

681 [~~(59)~~] (58) "Supervisory board" means the individual or group of individuals that
682 allocate expenditures from a political issues committee.

683 Section 6. Section **20A-11-204** is amended to read:

684 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
685 **requirements -- Interim reports.**

686 (1) Except as provided in Subsection (2), each state office candidate shall file an
687 interim report at the following times in any year in which the candidate has filed a declaration
688 of candidacy for a public office:

689 (a) (i) seven days before the candidate's political convention; or

690 (ii) for an unaffiliated candidate, the fourth Saturday in March;

691 (b) seven days before the regular primary election date;

692 (c) September 30; and

693 (d) seven days before the regular general election date.

694 (2) If a state office candidate is a state office candidate seeking appointment for a
695 midterm vacancy, the state office candidate:

696 (a) shall file an interim report:

697 (i) (A) no later than seven days before the day on which the political party of the party
698 for which the state office candidate seeks nomination meets to declare a nominee for the
699 governor to appoint in accordance with Section [20A-1-504](#); and

700 (B) two days before the day on which the political party of the party for which the state
701 office candidate seeks nomination meets to declare a nominee for the governor to appoint in
702 accordance with Subsection [20A-1-504\(1\)\(b\)](#)[~~(f)~~]; or

703 (ii) if a state office candidate decides to seek the appointment with less than seven days
704 before the party meets, or the political party schedules the meeting to declare a nominee less
705 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business
706 before the day on which the party meets; and

707 (b) is not required to file an interim report at the times described in Subsection (1).

708 (3) (a) As used in this Subsection (3), "campaign account" means a separate campaign
709 account required under Subsection [20A-11-201\(1\)\(a\)](#) or (c).

710 (b) Each state officeholder who has a campaign account that has not been dissolved
711 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,
712 regardless of whether an election for the state officeholder's office is held that year:

713 (i) (A) seven days before the political convention for the political party of the state
714 officeholder; or

715 (B) for an unaffiliated state officeholder, the fourth Saturday in March;

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

717 (iii) September 30; and

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

719 (4) Each interim report shall include the following information:

720 (a) the net balance of the last summary report, if any;

721 (b) a single figure equal to the total amount of receipts reported on all prior interim
722 reports, if any, during the calendar year in which the interim report is due;

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

725 (d) a detailed listing of:

726 (i) for a state office candidate, each contribution received since the last summary report
727 that has not been reported in detail on a prior interim report; or

728 (ii) for a state officeholder, each contribution and public service assistance received
729 since the last summary report that has not been reported in detail on a prior interim report;

730 (e) for each nonmonetary contribution:

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

733 (ii) a specific description of the contribution;

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

736 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

737 (h) a net balance for the year consisting of the net balance from the last summary
738 report, if any, plus all receipts since the last summary report minus all expenditures since the
739 last summary report;

740 (i) a summary page in the form required by the lieutenant governor that identifies:

- 741 (i) beginning balance;
- 742 (ii) total contributions and public service assistance received during the period since
743 the last statement;
- 744 (iii) total contributions and public service assistance received to date;
- 745 (iv) total expenditures during the period since the last statement; and
- 746 (v) total expenditures to date; and
- 747 (j) the name of a political action committee for which the state office candidate or state
748 officeholder is designated as an officer who has primary decision-making authority under
749 Section 20A-11-601.

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

752 (b) Any negotiable instrument or check received by a state office candidate or state
753 officeholder more than five days before the required filing date of a report required by this
754 section shall be included in the interim report.

755 Section 7. Section 20A-11-402 is amended to read:

756 **20A-11-402. Officeholder financial reporting requirements -- Statement of**
757 **dissolution.**

758 (1) An officeholder or former officeholder is active and subject to reporting
759 requirements until the officeholder or former officeholder has filed a statement of dissolution
760 with the lieutenant governor stating that:

761 (a) the officeholder or former officeholder is no longer receiving contributions or
762 public service assistance and is no longer making expenditures;

763 (b) the ending balance on the last summary report filed is zero and the balance in the
764 separate bank account required by Section 20A-11-201[;] or 20A-11-301[; or ~~20A-11-1301~~] is
765 zero; and

766 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
767 balance is attached to the statement of dissolution.

768 (2) A statement of dissolution and a final summary report may be filed at any time.

769 (3) (a) Each officeholder shall report to the lieutenant governor each contribution or
770 public service assistance received by the state officeholder within 31 days after the day on
771 which the officeholder receives the contribution or public service assistance.

772 (b) For each contribution or public service assistance that an officeholder fails to report
773 within the time period described in Subsection (3)(a), the lieutenant governor shall impose a
774 fine against the officeholder in an amount equal to:

775 (i) 10% of the amount of the contribution or public service assistance if the
776 officeholder reports the contribution or public service assistance within 60 days after the day on
777 which the time period described in Subsection (3)(a) ends; or

778 (ii) 20% of the amount of the contribution or public service assistance if the
779 officeholder fails to report the contribution or public service assistance within 60 days after the
780 day on which the time period described in Subsection (3)(a) ends.

781 (c) Each officeholder or former officeholder shall continue to file the year-end
782 summary report required by Section 20A-11-401 until the statement of dissolution and final
783 summary report required by this section are filed with the lieutenant governor.

784 (4) An officeholder or former officeholder may not use a contribution or public service
785 assistance deposited in an account in accordance with this chapter for:

786 (a) a personal use expenditure; or

787 (b) an expenditure prohibited by law.

788 (5) (a) Except as provided in Subsection (5)(b), a former officeholder may not expend
789 or transfer the money in a campaign account in a manner that would cause the former
790 officeholder to recognize the money as taxable income under federal tax law.

791 (b) A former officeholder may transfer the money in a campaign account in a manner
792 that would cause the former officeholder to recognize the money as taxable income under
793 federal tax law if the transfer is made to a campaign account for federal office.

794 Section 8. Section 20A-11-403 is amended to read:

795 **20A-11-403. Failure to file -- Penalties.**

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

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

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

800 (2) If it appears that any officeholder has failed to file the summary report required by
801 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
802 governor has received a written complaint alleging a violation of the law or the falsity of any

803 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
804 violation has occurred:

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

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

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

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

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

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

818 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
819 under Subsection 20A-11-204(2)[;] or 20A-11-303(1)(c), [~~or 20A-11-1303(1)(d);~~] the
820 lieutenant governor shall review each filed interim report to ensure that each interim report
821 contains the information required for the report.

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

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

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

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

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

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

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

841 Section 9. Section **20A-11-1202** is amended to read:

842 **20A-11-1202. Definitions.**

843 As used in this part:

844 (1) "Applicable election officer" means:

845 (a) a county clerk, if the email relates only to a local election; or

846 (b) the lieutenant governor, if the email relates to an election other than a local
847 election.

848 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
849 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
850 the voters for their approval or rejection.

851 (3) "Campaign contribution" means any of the following when done for a political
852 purpose or to advocate for or against a ballot proposition:

853 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
854 given to a filing entity;

855 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
856 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
857 of value to a filing entity;

858 (c) any transfer of funds from another reporting entity to a filing entity;

859 (d) compensation paid by any person or reporting entity other than the filing entity for
860 personal services provided without charge to the filing entity;

861 (e) remuneration from:

862 (i) any organization or the organization's directly affiliated organization that has a
863 registered lobbyist; or

864 (ii) any agency or subdivision of the state, including a school district; or

865 (f) an in-kind contribution.

866 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
867 agency that receives its revenues from conduct of its commercial operations.

868 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
869 cooperation agency that receives some or all of its revenues from:

870 (i) government appropriations;

871 (ii) taxes;

872 (iii) government fees imposed for regulatory or revenue raising purposes; or

873 (iv) interest earned on public funds or other returns on investment of public funds.

874 (5) "Expenditure" means:

875 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
876 or anything of value;

877 (b) an express, legally enforceable contract, promise, or agreement to make any
878 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
879 value;

880 (c) a transfer of funds between a public entity and a candidate's personal campaign
881 committee;

882 (d) a transfer of funds between a public entity and a political issues committee; or

883 (e) goods or services provided to or for the benefit of a candidate, a candidate's
884 personal campaign committee, or a political issues committee for political purposes at less than
885 fair market value.

886 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).

887 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
888 agency that receives some or all of its revenues from:

889 (a) government appropriations;

890 (b) taxes;

891 (c) government fees imposed for regulatory or revenue raising purposes; or

892 (d) interest earned on public funds or other returns on investment of public funds.

893 (8) "Influence" means to campaign or advocate for or against a ballot proposition.

894 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
895 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

896 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
897 Government Entities - Local Districts, and includes a special service district under Title 17D,
898 Chapter 1, Special Service District Act.

899 (11) "Political purposes" means an act done with the intent or in a way to influence or
900 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
901 against any:

902 (a) candidate for public office at any caucus, political convention, primary, or election;
903 or

904 (b) judge standing for retention at any election.

905 (12) "Proposed initiative" means an initiative proposed in an application filed under
906 Section [20A-7-202](#) or [20A-7-502](#).

907 (13) "Proposed referendum" means a referendum proposed in an application filed
908 under Section [20A-7-302](#) or [20A-7-602](#).

909 (14) (a) "Public entity" includes the state, each state agency, each county, municipality,
910 school district, local district, governmental interlocal cooperation agency, and each
911 administrative subunit of each of them.

912 (b) "Public entity" does not include a commercial interlocal cooperation agency.

913 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
914 Department of Health Organization.

915 (15) (a) "Public funds" means any money received by a public entity from
916 appropriations, taxes, fees, interest, or other returns on investment.

917 (b) "Public funds" does not include money donated to a public entity by a person or
918 entity.

919 (16) (a) "Public official" means an elected or appointed member of government with
920 authority to make or determine public policy.

921 (b) "Public official" includes the person or group that:

922 (i) has supervisory authority over the personnel and affairs of a public entity; and

923 (ii) approves the expenditure of funds for the public entity.

924 (17) "Reporting entity" means the same as that term is defined in Section [20A-11-101](#).

925 (18) (a) "State agency" means each department, commission, board, council, agency,
926 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

927 unit, bureau, panel, or other administrative unit of the state.

928 (b) "State agency" includes the legislative branch, the State Board of Education, the
929 Board of Regents, the institutional councils of each higher education institution, and each
930 higher education institution.

931 Section 10. Section **53E-3-201** is amended to read:

932 **53E-3-201. State board members -- Election and appointment of officers --**
933 **Selection or removal of officers.**

934 (1) Members of the state board [~~shall be nominated and elected~~] are appointed as
935 provided in [~~Title 20A, Chapter 14, Nomination and Election of State and Local School~~
936 ~~Boards~~] Section 53E-3-205.

937 (2) The state board shall elect from [~~its~~] among the state board's members a chair[~~, and~~
938 ~~at least one~~] and a vice chair[~~, but no more than three vice chairs,~~] every other year at a meeting
939 held [~~any time between November 15 and~~] no sooner than January 1 and no later than January
940 15.

941 [~~(3)(a) If the election of officers is held subsequent to the election of a new member of~~
942 ~~the state board, but prior to the time that the new member takes office, the new member shall~~
943 ~~assume the position of the outgoing member for purposes of the election of officers.]~~

944 [~~(b) In all other matters the outgoing member shall retain the full authority of the office~~
945 ~~until replaced as provided by law.]~~

946 [~~(4) The duties of these officers shall be determined by the state board.]~~

947 [~~(5)~~] (3) The state board shall appoint a secretary who serves at the pleasure of the state
948 board.

949 [~~(6) An officer appointed or elected by the state board under this section may be~~
950 ~~removed from office]~~

951 (4) The state board may remove an individual from the position of chair, vice chair, or
952 secretary for cause by a vote of two-thirds of the state board.

953 (5) The state board may, by majority vote, select an individual to replace an individual
954 removed from a position described in Subsection (4).

955 Section 11. Section **53E-3-205** is enacted to read:

956 **53E-3-205. State board -- Transition -- Selection of members -- Terms --**
957 **Vacancies -- Removal.**

958 (1) (a) A member of the state board, as constituted on January 1, 2021, may continue to
959 serve on the state board until the member's term ends.

960 (b) When the number of state board members drops below nine, the governor shall
961 appoint a state board member, with the consent of the Senate, to bring the number of state
962 board members to nine.

963 (2) (a) Except as provided in Subsection (2)(b), the term of a state board member
964 appointed by the governor under Subsection (1)(b) is six years.

965 (b) The governor may reduce the initial term of a state board member appointed by the
966 governor under Subsection (1)(b) to ensure that the term for three members of the state board
967 begins every two years.

968 (c) Except as provided in Subsection (2)(d), an individual may not serve more than two
969 consecutive six-year terms on the state board.

970 (d) An individual appointed to serve an initial term of less than six years may serve that
971 term consecutively with two, subsequent, six-year terms.

972 (3) A state board member may not, during the member's term of office, also serve as an
973 employee of the state board or as a member of a local school board.

974 (4) If, after the state board consists of nine members appointed by the governor under
975 Subsection (1)(b), a vacancy occurs in the office of state board member before the end of the
976 member's term, the governor shall, with the consent of the Senate, appoint an individual to fill
977 the vacancy for the remainder of the term of the individual being replaced.

978 (5) The governor may, with the consent of the Senate, remove a member of the state
979 board for cause.

980 Section 12. **Repealer.**

981 This bill repeals:

982 Section **20A-11-1301**, School board office -- Campaign finance requirements --
983 **Candidate as a political action committee officer -- No personal use -- Contribution**
984 **reporting deadline -- Report other accounts -- Anonymous contributions.**

985 Section **20A-11-1302**, School board office candidate -- Financial reporting
986 **requirements -- Year-end summary report.**

987 Section **20A-11-1303**, School board office candidate and school board officeholder
988 **-- Financial reporting requirements -- Interim reports.**

989 Section **20A-11-1304**, School board office candidate -- Financial reporting
990 **requirements -- Termination of duty to report.**

991 Section **20A-11-1305**, School board office candidate -- Failure to file statement --
992 **Penalties.**

993 Section **20A-14-101.1**, Definitions.

994 Section **20A-14-101.5**, State Board of Education -- Number of members -- State
995 **Board of Education district boundaries.**

996 Section **20A-14-102**, State Board of Education districts.

997 Section **20A-14-102.1**, Omissions from maps -- How resolved.

998 Section **20A-14-102.2**, Uncertain boundaries -- How resolved.

999 Section **20A-14-102.3**, County clerk, Automated Geographic Reference Center,
1000 **and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

1001 Section **20A-14-103**, State Board of Education members -- Term -- Requirements.

1002 Section **20A-14-104.1**, State Board of Education -- Candidacy.

1003 Section 13. **Contingent effective date.**

1004 This bill takes effect on January 1, 2021, if the amendment to the Utah Constitution
1005 proposed by H.J.R. 13, 2020 General Session, passes the Legislature and is approved by a
1006 majority of those voting on the proposed amendment at the 2020 regular general election.