

STATE SCHOOL BOARD GOVERNANCE AMENDMENTS

2022 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 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 special effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-201, as last amended by Laws of Utah 2014, Chapter 362

20A-1-201.5, as last amended by Laws of Utah 2019, First Special Session, Chapter 4



- 28 **20A-1-404**, as last amended by Laws of Utah 2008, Chapter 13
- 29 **20A-1-504**, as last amended by Laws of Utah 2020, Chapter 352
- 30 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
- 31 **20A-9-408**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 32 **20A-11-101**, as last amended by Laws of Utah 2021, Chapter 20
- 33 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
- 34 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
- 35 **20A-11-1202**, as last amended by Laws of Utah 2020, Chapter 365
- 36 **53E-3-201**, as last amended by Laws of Utah 2019, Chapter 186

37 ENACTS:

- 38 **53E-3-205**, Utah Code Annotated 1953

39 REPEALS:

- 40 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20
- 41 **20A-11-1302**, as last amended by Laws of Utah 2019, Chapter 74
- 42 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
- 43 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 44 **20A-11-1305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 45 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 46 **20A-14-101.5**, as last amended by Laws of Utah 2021, Chapter 345
- 47 **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 48 **20A-14-102.1**, as last amended by Laws of Utah 2018, Chapter 330
- 49 **20A-14-102.2**, as last amended by Laws of Utah 2021, Chapters 162 and 345
- 50 **20A-14-102.3**, as last amended by Laws of Utah 2021, Chapter 162
- 51 **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19
- 52 **20A-14-104.1**, as last amended by Laws of Utah 2019, Chapter 507



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

55 Section 1. Section **20A-1-201** is amended to read:

56 **20A-1-201. Date and purpose of regular general elections.**

57 (1) A regular general election shall be held throughout the state on the first Tuesday
58 after the first Monday in November of each even-numbered year.

- 59 (2) At the regular general election, the voters shall:
- 60 (a) choose persons to serve the terms established by law for the following offices:
- 61 (i) electors of President and Vice President of the United States;
- 62 (ii) United States Senators;
- 63 (iii) Representatives to the United States Congress;
- 64 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 65 (v) senators and representatives to the Utah Legislature;
- 66 (vi) county officers;
- 67 [~~(vii) State School Board members;~~]
- 68 [~~(viii)~~ (vii) local school board members;
- 69 [~~(ix)~~ (viii) except as provided in Subsection (3), local district officers, as applicable;
- 70 and
- 71 [~~(x)~~ (ix) any elected judicial officers; and
- 72 (b) approve or reject:
- 73 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
- 74 under procedures established in the Utah Code;
- 75 (ii) any proposed initiatives or referenda that have qualified for the ballot under
- 76 procedures established in the Utah Code; and
- 77 (iii) any other ballot propositions submitted to the voters that are authorized by the
- 78 Utah Code.
- 79 (3) This section:
- 80 (a) applies to a special service district for which the county legislative body or the
- 81 municipal legislative body, as applicable, has delegated authority for the special service district
- 82 to an administrative control board; and
- 83 (b) does not apply to a special service district for which the county legislative body or
- 84 the municipal legislative body, as applicable, has not delegated authority for the special service
- 85 district to an administrative control board.
- 86 Section 2. Section **20A-1-201.5** is amended to read:
- 87 **20A-1-201.5. Primary election dates.**
- 88 (1) The regular primary election shall be held throughout the state on the fourth
- 89 Tuesday of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or

90 20A-9-408, as applicable, to nominate persons for:

- 91 (a) national, state, local school board, and county offices; and
- 92 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

93 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
94 following the first Monday in August before the regular municipal election to nominate persons
95 for municipal offices.

96 (3) A presidential primary election shall be held throughout the state on the first
97 Tuesday in March in the year in which a presidential election will be held.

98 Section 3. Section 20A-1-404 is amended to read:

99 **20A-1-404. Election controversies.**

100 (1) (a) (i) Whenever any controversy occurs between any election officer or other
101 person or entity charged with any duty or function under this title and any candidate, or the
102 officers or representatives of any political party, or persons who have made nominations, either
103 party to the controversy may file a verified petition with the district court.

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

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

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

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

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

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

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

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

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

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

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

120 (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting

121 Requirements;

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

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

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

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

128 [~~(K)~~] (J) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting

129 Requirements for Judicial Retention Elections; and

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

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

134 Section 4. Section **20A-1-504** is amended to read:

135 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**
136 **state auditor, and lieutenant governor.**

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

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

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

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

147 [~~(B) was elected at a partisan State Board of Education election, but is not a member of~~
148 ~~a political party, by appointing, with the advice and consent of the Senate, an individual who~~
149 ~~meets the qualifications and residency requirements for filling the vacancy described in Section~~
150 ~~20A-14-103; or]~~

151 [~~(C) was elected at a partisan State Board of Education election, and is a member of a~~

152 ~~political party, by appointing an individual who meets the qualifications for the office from~~
153 ~~three persons nominated by the state central committee of the same political party as the prior~~
154 ~~officeholder.]~~

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

158 Section 5. Section **20A-6-305** is amended to read:

159 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
160 **Publication -- Surname -- Exemptions -- Ballot order.**

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

164 (2) The lieutenant governor shall:

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

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

170 (c) establish written procedures for:

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

172 (ii) the lieutenant governor in:

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

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

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

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

180 (a) the candidate's surname;

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

183 (c) the surname of the president and the surname of the governor for an election for the
184 offices of president and vice president and governor and lieutenant governor.

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

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

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

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

190 (a) for federal office:

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

192 (ii) United States Senate office; and

193 (iii) United States House of Representatives office;

194 (b) for state office:

195 (i) governor and lieutenant governor;

196 (ii) attorney general;

197 (iii) state auditor;

198 (iv) state treasurer;

199 (v) state Senate office; and

200 (vi) state House of Representatives office; [~~and~~]

201 [~~(vii) State Board of Education member;~~]

202 (c) for county office:

203 (i) county executive office;

204 (ii) county legislative body member;

205 (iii) county assessor;

206 (iv) county or district attorney;

207 (v) county auditor;

208 (vi) county clerk;

209 (vii) county recorder;

210 (viii) county sheriff;

211 (ix) county surveyor;

212 (x) county treasurer; and

213 (xi) local school board member;

- 214 (d) for municipal office:
- 215 (i) mayor; and
- 216 (ii) city or town council member;
- 217 (e) elected planning and service district council member;
- 218 (f) judicial retention questions; and
- 219 (g) ballot propositions not described in Subsection (6)(f).

220 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place
221 of the earliest ballot ticket position that is reserved for an office that is subsumed in the
222 combined office.

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

227 Section 6. Section **20A-9-408** is amended to read:

228 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
229 **political party.**

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

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

237 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
238 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the
239 nomination of the qualified political party for an elective office that is to be filled at the next
240 general election shall:

- 241 (a) within the period beginning on January 1 before the next regular general election
242 and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as
243 provided in Section [36-3-201](#), and before gathering signatures under this section, file with the
244 filing officer on a form approved by the lieutenant governor a notice of intent to gather

245 signatures for candidacy that includes:

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

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

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

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

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

253 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
254 in person, with the filing officer:

255 (i) on or after 48 days after the day on which the Legislature's general session begins,
256 as provided in Section 36-3-201; and

257 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session
258 begins, as provided in Section 36-3-201; and

259 (c) pay the filing fee.

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

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

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

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

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

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

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

274 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
275 in person, with the filing officer:

276 (i) on or after 48 days after the day on which the Legislature's general session begins,
277 as provided in Section 36-3-201; and

278 (ii) before 5 p.m. 52 days after the day on which the Legislature's general session
279 begins, as provided in Section 36-3-201; and

280 (c) pay the filing fee.

281 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
282 who files as the joint-ticket running mate of an individual who is nominated by a qualified
283 political party, under this section, for the office of governor shall, before the deadline described
284 in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the
285 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
286 mate.

287 (6) The lieutenant governor shall ensure that the certification described in Subsection
288 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
289 under this section.

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

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

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

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

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

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

306 (iii) for a state Senate district race, 2,000 signatures of registered voters who are

307 residents of the state Senate district and are permitted by the qualified political party to vote for
308 the qualified political party's candidates in a primary election;

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

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

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

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

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

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

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

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

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

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

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

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

338 (9)(c)(i).

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

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

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

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

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

353 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
354 election officer shall, no later than one day before the day on which the qualified political party
355 holds the convention to select a nominee for the elective office to which the signature packets
356 relate, notify the qualified political party and the lieutenant governor of the name of each
357 member of the qualified political party who qualifies as a nominee of the qualified political
358 party, under this section, for the elective office to which the convention relates.

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

363 Section 7. Section 20A-11-101 is amended to read:

364 **20A-11-101. Definitions.**

365 As used in this chapter:

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

368 (b) "Address" does not include a post office box.

- 369 (2) "Agent of a reporting entity" means:
- 370 (a) a person acting on behalf of a reporting entity at the direction of the reporting
371 entity;
- 372 (b) a person employed by a reporting entity in the reporting entity's capacity as a
373 reporting entity;
- 374 (c) the personal campaign committee of a candidate or officeholder;
- 375 (d) a member of the personal campaign committee of a candidate or officeholder in the
376 member's capacity as a member of the personal campaign committee of the candidate or
377 officeholder; or
- 378 (e) a political consultant of a reporting entity.
- 379 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
380 amendments, and any other ballot propositions submitted to the voters that are authorized by
381 the Utah Code Annotated 1953.
- 382 (4) "Candidate" means any person who:
- 383 (a) files a declaration of candidacy for a public office; or
- 384 (b) receives contributions, makes expenditures, or gives consent for any other person to
385 receive contributions or make expenditures to bring about the person's nomination or election
386 to a public office.
- 387 (5) "Chief election officer" means:
- 388 (a) the lieutenant governor for state office candidates, legislative office candidates,
389 officeholders, political parties, political action committees, corporations, political issues
390 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in
391 Section [20A-11-1501](#); and
- 392 (b) the county clerk for local school board candidates.
- 393 (6) (a) "Contribution" means any of the following when done for political purposes:
- 394 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
395 value given to the filing entity;
- 396 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
397 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
398 anything of value to the filing entity;
- 399 (iii) any transfer of funds from another reporting entity to the filing entity;

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

402 (v) remuneration from:

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

404 or

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

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

407 (vii) in-kind contributions.

408 (b) "Contribution" does not include:

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

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

414 (iii) goods or services provided for the benefit of a political entity at less than fair
415 market value that are not authorized by or coordinated with the political entity.

416 (7) "Coordinated with" means that goods or services provided for the benefit of a
417 political entity are provided:

418 (a) with the political entity's prior knowledge, if the political entity does not object;

419 (b) by agreement with the political entity;

420 (c) in coordination with the political entity; or

421 (d) using official logos, slogans, and similar elements belonging to a political entity.

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

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

426 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
427 proposition.

428 (b) "Corporation" does not mean:

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

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

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

434 (10) "County political party officer" means a person whose name is required to be
435 submitted by a county political party to the lieutenant governor in accordance with Section
436 [20A-8-402](#).

437 (11) "Detailed listing" means:

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

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

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

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

444 (b) for each expenditure:

445 (i) the amount of the expenditure;

446 (ii) the goods or services acquired by the expenditure; and

447 (iii) the date the expenditure was made.

448 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
449 for membership in the corporation, to a corporation without receiving full and adequate
450 consideration for the money.

451 (b) "Donor" does not include a person that signs a statement that the corporation may
452 not use the money for an expenditure or political issues expenditure.

453 (13) "Election" means each:

454 (a) regular general election;

455 (b) regular primary election; and

456 (c) special election at which candidates are eliminated and selected.

457 (14) "Electioneering communication" means a communication that:

458 (a) has at least a value of \$10,000;

459 (b) clearly identifies a candidate or judge; and

460 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
461 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly

462 identified candidate's or judge's election date.

463 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
464 agent of a reporting entity on behalf of the reporting entity:

465 (i) any disbursement from contributions, receipts, or from the separate bank account
466 required by this chapter;

467 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
468 or anything of value made for political purposes;

469 (iii) an express, legally enforceable contract, promise, or agreement to make any
470 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
471 value for political purposes;

472 (iv) compensation paid by a filing entity for personal services rendered by a person
473 without charge to a reporting entity;

474 (v) a transfer of funds between the filing entity and a candidate's personal campaign
475 committee;

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

478 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

479 (b) "Expenditure" does not include:

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

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

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

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

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

490 (18) "Financial statement" includes any summary report, interim report, verified
491 financial statement, or other statement disclosing contributions, expenditures, receipts,
492 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial

493 Retention Elections.

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

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

500 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
501 10-2a-404.

502 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

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

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

506 (25) "Interim report" means a report identifying the contributions received and
507 expenditures made since the last report.

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

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

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

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

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

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

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

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

523 (c) the provision of a good or service with an agreement or understanding that payment

524 or reimbursement will be delayed; or

525 (d) use of any line of credit.

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

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

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

531 (32) "Person" means both natural and legal persons, including individuals, business
532 organizations, personal campaign committees, party committees, political action committees,
533 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

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

536 (34) "Personal use expenditure" has the same meaning as provided under Section
537 20A-11-104.

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

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

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

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

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

549 (i) a party committee;

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

552 (iii) an individual;

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

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

557 (vi) a personal campaign committee.

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

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

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

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

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

568 (37) "Political convention" means a county or state political convention held by a
569 registered political party to select candidates.

570 (38) "Political entity" means a candidate, a political party, a political action committee,
571 or a political issues committee.

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

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

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

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

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

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

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

- 586 (iii) an individual;
- 587 (iv) individuals who are related and who make contributions from a joint checking
- 588 account;
- 589 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 590 issues committee; or
- 591 (vi) a group of individuals who:
 - 592 (A) associate together for the purpose of challenging or supporting a single ballot
 - 593 proposition, ordinance, or other governmental action by a county, city, town, local district,
 - 594 special service district, or other local political subdivision of the state;
 - 595 (B) have a common liberty, property, or financial interest that is directly impacted by
 - 596 the ballot proposition, ordinance, or other governmental action;
 - 597 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
 - 598 via a legal entity;
 - 599 (D) do not receive funds for challenging or supporting the ballot proposition,
 - 600 ordinance, or other governmental action from a person other than an individual in the group;
 - 601 and
 - 602 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
 - 603 (39)(b)(vi)(A).
- 604 (40) (a) "Political issues contribution" means any of the following:
 - 605 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
 - 606 anything of value given to a political issues committee;
 - 607 (ii) an express, legally enforceable contract, promise, or agreement to make a political
 - 608 issues donation to influence the approval or defeat of any ballot proposition;
 - 609 (iii) any transfer of funds received by a political issues committee from a reporting
 - 610 entity;
 - 611 (iv) compensation paid by another reporting entity for personal services rendered
 - 612 without charge to a political issues committee; and
 - 613 (v) goods or services provided to or for the benefit of a political issues committee at
 - 614 less than fair market value.
- 615 (b) "Political issues contribution" does not include:
 - 616 (i) services provided without compensation by individuals volunteering a portion or all

617 of their time on behalf of a political issues committee; or

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

620 (41) (a) "Political issues expenditure" means any of the following when made by a
621 political issues committee or on behalf of a political issues committee by an agent of the
622 reporting entity:

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

625 (A) a ballot proposition; or

626 (B) an incorporation petition or incorporation election;

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

629 (A) a ballot proposition; or

630 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

642 (42) "Political purposes" means an act done with the intent or in a way to influence or
643 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
644 against any:

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

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

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

652 (b) "Poll" does not include:

653 (i) a ballot; or

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

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

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

657 (44) "Primary election" means any regular primary election held under the election
658 laws.

659 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
660 sharing a common occupation, interest, or association that contribute to a political action
661 committee or political issues committee and whose names can be obtained by contacting the
662 political action committee or political issues committee upon whose financial statement the
663 individuals are listed.

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

668 (47) (a) "Public service assistance" means the following when given or provided to an
669 officeholder to defray the costs of functioning in a public office or aid the officeholder to
670 communicate with the officeholder's constituents:

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

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

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

676 (i) anything provided by the state;

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

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

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

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

685 (48) "Receipts" means contributions and public service assistance.

686 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
687 Lobbyist Disclosure and Regulation Act.

688 (50) "Registered political action committee" means any political action committee that
689 is required by this chapter to file a statement of organization with the Office of the Lieutenant
690 Governor.

691 (51) "Registered political issues committee" means any political issues committee that
692 is required by this chapter to file a statement of organization with the Office of the Lieutenant
693 Governor.

694 (52) "Registered political party" means an organization of voters that:

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

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

700 (53) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

709 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,

710 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
711 action committee, a political issues committee, a corporation, or a labor organization, as
712 defined in Section [20A-11-1501](#).

713 [~~(55)~~] "~~School board office~~" means the office of state school board.]

714 [~~(56)~~] (55) (a) "Source" means the person or entity that is the legal owner of the
715 tangible or intangible asset that comprises the contribution.

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

719 [~~(57)~~] (56) "State office" means the offices of governor, lieutenant governor, attorney
720 general, state auditor, and state treasurer.

721 [~~(58)~~] (57) "State office candidate" means a person who:

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

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

726 [~~(59)~~] (58) "Summary report" means the year end report containing the summary of a
727 reporting entity's contributions and expenditures.

728 [~~(60)~~] (59) "Supervisory board" means the individual or group of individuals that
729 allocate expenditures from a political issues committee.

730 Section 8. Section **20A-11-204** is amended to read:

731 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
732 **requirements -- Interim reports.**

733 (1) As used in this section:

734 (a) "Campaign account" means a separate campaign account required under Subsection
735 [20A-11-201](#)(1)(a) or (c).

736 (b) "Received" means:

737 (i) for a cash contribution, that the cash is given to a state office candidate or a member
738 of the state office candidate's personal campaign committee;

739 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
740 instrument or check is negotiated;

741 (iii) for a direct deposit made into a campaign account by a person not associated with
742 the campaign, the earlier of:

743 (A) the day on which the state office candidate or a member of the state office
744 candidate's personal campaign committee becomes aware of the deposit and the source of the
745 deposit;

746 (B) the day on which the state office candidate or a member of the state office
747 candidate's personal campaign committee receives notice of the deposit and the source of the
748 deposit by mail, email, text, or similar means; or

749 (C) 31 days after the day on which the direct deposit occurs; or

750 (iv) for any other type of contribution, that any portion of the contribution's benefit
751 inures to the state office candidate.

752 (2) Except as provided in Subsection (3), each state office candidate shall file an
753 interim report at the following times in any year in which the candidate has filed a declaration
754 of candidacy for a public office:

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

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

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

758 (c) September 30; and

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

760 (3) If a state office candidate is a state office candidate seeking appointment for a
761 midterm vacancy, the state office candidate:

762 (a) shall file an interim report:

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

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

769 (ii) if a state office candidate decides to seek the appointment with less than seven days
770 before the party meets, or the political party schedules the meeting to declare a nominee less
771 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business

772 before the day on which the party meets; and
773 (b) is not required to file an interim report at the times described in Subsection (1).
774 (4) Each interim report shall include the following information:
775 (a) the net balance of the last summary report, if any;
776 (b) a single figure equal to the total amount of receipts reported on all prior interim
777 reports, if any, during the calendar year in which the interim report is due;
778 (c) a single figure equal to the total amount of expenditures reported on all prior
779 interim reports, if any, filed during the calendar year in which the interim report is due;
780 (d) a detailed listing of:
781 (i) for a state office candidate, each contribution received since the last summary report
782 that has not been reported in detail on a prior interim report; or
783 (ii) for a state officeholder, each contribution and public service assistance received
784 since the last summary report that has not been reported in detail on a prior interim report;
785 (e) for each nonmonetary contribution:
786 (i) the fair market value of the contribution with that information provided by the
787 contributor; and
788 (ii) a specific description of the contribution;
789 (f) a detailed listing of each expenditure made since the last summary report that has
790 not been reported in detail on a prior interim report;
791 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
792 (h) a net balance for the year consisting of the net balance from the last summary
793 report, if any, plus all receipts since the last summary report minus all expenditures since the
794 last summary report;
795 (i) a summary page in the form required by the lieutenant governor that identifies:
796 (i) beginning balance;
797 (ii) total contributions and public service assistance received during the period since
798 the last statement;
799 (iii) total contributions and public service assistance received to date;
800 (iv) total expenditures during the period since the last statement; and
801 (v) total expenditures to date; and
802 (j) the name of a political action committee for which the state office candidate or state

803 officeholder is designated as an officer who has primary decision-making authority under
804 Section 20A-11-601.

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

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

810 Section 9. Section 20A-11-402 is amended to read:

811 **20A-11-402. Officeholder financial reporting requirements -- Statement of**
812 **dissolution.**

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

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

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

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

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

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

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

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

833 (ii) 20% of the amount of the contribution or public service assistance if the

834 officeholder fails to report the contribution or public service assistance within 60 days after the
835 day on which the time period described in Subsection (3)(a) ends.

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

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

841 (a) a personal use expenditure; or

842 (b) an expenditure prohibited by law.

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

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

849 Section 10. Section 20A-11-1202 is amended to read:

850 **20A-11-1202. Definitions.**

851 As used in this part:

852 (1) "Applicable election officer" means:

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

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

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

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

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

863 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
864 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything

865 of value to a filing entity;

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

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

869 (e) remuneration from:

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

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

873 (f) an in-kind contribution.

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

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

878 (i) government appropriations;

879 (ii) taxes;

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

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

882 (5) "Expenditure" means:

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

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

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

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

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

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

895 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation

896 agency that receives some or all of its revenues from:

897 (a) government appropriations;

898 (b) taxes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

933 (18) (a) "State agency" means each department, commission, board, council, agency,
 934 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
 935 unit, bureau, panel, or other administrative unit of the state.

936 (b) "State agency" includes the legislative branch, the State Board of Education, the
 937 Utah Board of Higher Education, each institution of higher education board of trustees, and
 938 each higher education institution.

939 Section 11. Section **53E-3-201** is amended to read:

940 **53E-3-201. State board members -- Election and appointment of officers.**

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

944 (2) The state board shall elect from [~~its~~] among the state board's members a chair[~~, and~~
 945 ~~at least one~~] and a vice chair[~~, but no more than three vice chairs,~~] every other year at a meeting
 946 held [~~any time between November 15 and~~] no sooner than January 1 and no later than January
 947 15.

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

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

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

954 [~~(5)~~] (3) The state board shall appoint a secretary who serves at the pleasure of the state
 955 board.

956 [~~(6) An officer appointed or elected by the state board under this section may be~~
 957 ~~removed from office for cause by a vote of two-thirds of the state board.~~]

958 Section 12. Section **53E-3-205** is enacted to read:

959 **53E-3-205. State board -- Transition -- Selection of members -- Terms --**

960 **Vacancies -- Removal.**

961 (1) (a) A member of the state board, as constituted on January 1, 2023, may continue to
962 serve on the state board until the member's term ends.

963 (b) When the number of state board members drops below nine, the governor shall
964 appoint a state board member, with the advice and consent of the Senate, to bring the number
965 of state board members to nine.

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

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

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

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

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

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

981 (5) The governor may, with the advice and consent of the Senate, remove a member of
982 the state board for cause.

983 Section 13. **Repealer.**

984 This bill repeals:

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

988 Section **20A-11-1302, School board office candidate -- Financial reporting**

989 requirements -- Year-end summary report.

990 Section 20A-11-1303, School board office candidate and school board officeholder

991 -- Financial reporting requirements -- Interim reports.

992 Section 20A-11-1304, School board office candidate -- Financial reporting

993 requirements -- Termination of duty to report.

994 Section 20A-11-1305, School board office candidate -- Failure to file statement --

995 Penalties.

996 Section 20A-14-101.1, Definitions.

997 Section 20A-14-101.5, State Board of Education -- Number of members -- State

998 Board of Education district boundaries.

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

1000 Section 20A-14-102.1, Omissions from maps -- How resolved.

1001 Section 20A-14-102.2, Uncertain boundaries -- How resolved.

1002 Section 20A-14-102.3, County clerk, Utah Geospatial Resource Center, and

1003 lieutenant governor responsibilities -- Maps and voting precinct boundaries.

1004 Section 20A-14-103, State Board of Education members -- Term -- Requirements.

1005 Section 20A-14-104.1, State Board of Education -- Candidacy.

1006 Section 14. Contingent effective date.

1007 This bill takes effect on January 1, 2023, if the amendment to the Utah Constitution

1008 proposed by H.J.R. 1, 2022 General Session, passes the Legislature and is approved by a

1009 majority of those voting on the proposed amendment at the 2022 regular general election.