

SCHOOL BOARD ELECTIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the nomination for the office of State Board of Education member.

Highlighted Provisions:

This bill:

▶ reduces the number of signatures required for a member of a qualified political party to qualify for the nomination for an office on the State Board of Education.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-408, as last amended by Laws of Utah 2022, Chapters 13, 325

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

Section 1. Section **20A-9-408** is amended to read:

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

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the



28 signature-gathering process described in this section.

29 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
30 candidacy for a member of a qualified political party who is nominated by, or who is seeking
31 the nomination of, the qualified political party under this section shall be substantially as
32 described in Section 20A-9-408.5.

33 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
34 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
35 nomination of the qualified political party for an elective office that is to be filled at the next
36 general election shall:

37 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
38 and before gathering signatures under this section, file with the filing officer on a form
39 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
40 includes:

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

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

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

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

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

48 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
49 in person, with the filing officer during the declaration of candidacy filing period described in
50 Section 20A-9-201.5; and

51 (c) pay the filing fee.

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

56 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
57 and before gathering signatures under this section, file with the filing officer on a form
58 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that

59 includes:

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

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

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

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

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

67 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,
68 in person, with the filing officer during the declaration of candidacy filing period described in
69 Section 20A-9-201.5; and

70 (c) pay the filing fee.

71 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
72 who files as the joint-ticket running mate of an individual who is nominated by a qualified
73 political party, under this section, for the office of governor shall, during the declaration of
74 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and
75 submit a letter from the candidate for governor that names the lieutenant governor candidate as
76 a joint-ticket running mate.

77 (6) The lieutenant governor shall ensure that the certification described in Subsection
78 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
79 under this section.

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

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

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

86 (b) collecting signatures, on a form approved by the lieutenant governor that complies
87 with Subsection 20A-9-405(3), during the period beginning on the day on which the member
88 files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on
89 which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

103 (A) [~~2,000~~] 500 signatures of registered voters who are residents of the State Board of
104 Education district and are permitted by the qualified political party to vote for the qualified
105 political party's candidates in a primary election; or

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

108 (vi) for a county office race, signatures of 3% of the registered voters who are residents
109 of the area permitted to vote for the county office and are permitted by the qualified political
110 party to vote for the qualified political party's candidates in a primary election.

111 (9) (a) This Subsection (9) applies only to the manual candidate qualification process.

112 (b) In order for a member of the qualified political party to qualify as a candidate for
113 the qualified political party's nomination for an elective office under this section, using the
114 manual candidate qualification process, the member shall:

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

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

120 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the

121 election officer shall, no later than the earlier of 14 days after the day on which the election
122 officer receives the signatures, or one day before the day on which the qualified political party
123 holds the convention to select a nominee for the elective office to which the signature packets
124 relate:

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

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

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

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

134 (10) (a) This Subsection (10) applies only to the electronic candidate qualification
135 process.

136 (b) In order for a member of the qualified political party to qualify as a candidate for
137 the qualified political party's nomination for an elective office under this section, the member
138 shall, before 5 p.m. no later than 14 days before the day on which the qualified political party
139 holds the party's convention to select candidates, for the elective office, for the qualified
140 political party's nomination, collect signatures electronically:

141 (i) in accordance with Section 20A-21-201; and

142 (ii) using progressive screens, in a format approved by the lieutenant governor, that
143 complies with Subsection 20A-9-405(4).

144 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
145 election officer shall, no later than the earlier of 14 days after the day on which the election
146 officer receives the signatures, or one day before the day on which the qualified political party
147 holds the convention to select a nominee for the elective office to which the signature packets
148 relate:

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

151 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a

152 Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

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

155 (b) An individual who files a notice of intent to gather signatures for candidacy,
156 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
157 the notice of intent to gather signatures for candidacy:

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

160 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
161 apply to a candidate for office in relation to the reporting requirements described in Subsection
162 (11)(b)(i).

163 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
164 Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on
165 which the qualified political party holds the convention to select a nominee for the elective
166 office to which the signature packets relate, notify the qualified political party and the
167 lieutenant governor of the name of each member of the qualified political party who qualifies
168 as a nominee of the qualified political party, under this section, for the elective office to which
169 the convention relates.

170 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in
171 this section, the lieutenant governor shall post the notice of intent to gather signatures for
172 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
173 posts a declaration of candidacy.