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Status

Hearings/Debate

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S.B. 78

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1

**STATE BOARD OF EDUCATION CANDIDATE  
SELECTION**

2

2016 GENERAL SESSION

3

STATE OF UTAH

4

**Chief Sponsor: Ann Millner**

5

House Sponsor: Bradley G. Last

6

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7 **LONG TITLE**

8 **General Description:**

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

11 of Education members.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ repeals provisions relating to the Nominating and Recruiting  
Committee for the

14 office of State Board of Education member;

Bill Sponsor: Floor Sponsor:



Sen. Millner.

Ann

Rep. Last, Bradley

G.

**Substitute Sponsor:** Rep. Last,  
Bradley G.

**Drafting Attorney:** Thomas R.  
Vaughn

**Fiscal Analyst:** Clare Tobin  
Lence

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15 ▶ for the 2016 election year only, provides that candidates for  
the office of State  
16 Board of Education member participate in a nonpartisan primary  
election to narrow  
17 the number of candidates who participate in the general election;  
18 ▶ beginning with the 2018 election year:  
19 • provides that members of the State Board of Education  
are elected through  
20 partisan election; and  
21 • modifies the reporting requirements of candidates for,  
and officeholders on, the  
22 State Board of Education; and  
23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

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30 **20A-1-102**, as last amended by Laws of Utah 2015, Chapters  
296, 352, and 392

31 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

32 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296

33 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296

34 **20A-9-408**, as last amended by Laws of Utah 2015, Chapter 296

35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter

420

36 **20A-11-1301**, as last amended by Laws of Utah 2015, Chapters  
21 and 127

37 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter

204

38 **20A-11-1305**, as last amended by Laws of Utah 2015, Chapter

204

39 **20A-14-103**, as last amended by Laws of Utah 2011, Third  
Special Session, Chapter 3

40 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

41 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

42 ENACTS:

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

44 REPEALS:

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

46 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

47

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

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

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


51 As used in this title:

52 (1) "Active voter" means a registered voter who has not been  
classified as an inactive

## Other Versions

- [S.B. 78](#)
- [Sub 1 \(Not Adopted\)](#)
- [Sub 2 \(Not Adopted\)](#)

## Related Documents

- [Fiscal Note](#) 
- [SB0078S02 comparison](#)
- [Agency Perf Note](#)

## Information

- **Last Action:** 17 Mar 2016, Governor Signed
- **Last Location:** Lieutenant Governor's office for filing

## Similar Bills

- [Elections](#)
- [Education](#)
- [State Board of Education](#)
- [Government Operations \(State Issues\)](#)

## Sections Affected

- [20A-1-102](#)
- [20A-1-504](#)
- [20A-9-201](#)
- [20A-9-403](#)
- [20A-9-408](#)
- [20A-11-403](#)
- [20A-11-1301](#)
- [20A-11-1303](#)
- [20A-11-1305](#)
- [20A-14-103](#)
- [20A-14-104](#)
- [20A-14-105](#)

53 voter by the county clerk.

54 (2) "Automatic tabulating equipment" means apparatus that  
automatically examines

55 and counts votes recorded on paper ballots or ballot sheets and  
tabulates the results.

56 (3) (a) "Ballot" means the storage medium, whether paper,  
mechanical, or electronic,

57 upon which a voter records the voter's votes.

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

59 envelopes.

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

61 (a) contain the names of offices and candidates and statements  
of ballot propositions to

62 be voted on; and

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

64 (5) "Ballot proposition" means a question, issue, or proposal that  
is submitted to voters

65 on the ballot for their approval or rejection including:

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

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question;

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

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

74 (6) "Ballot sheet":

75 (a) means a ballot that:

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

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

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

79 (7) "Bind," "binding," or "bound" means securing more than one  
piece of paper

80 together with a staple or stitch in at least three places across the  
top of the paper in the blank

81 space reserved for securing the paper.

82 (8) "Board of canvassers" means the entities established by  
Sections 20A-4-301 and

83 20A-4-306 to canvass election returns.

84 (9) "Bond election" means an election held for the purpose of  
approving or rejecting

85 the proposed issuance of bonds by a government entity.

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86 (10) "Book voter registration form" means voter registration  
forms contained in a

87 bound book that are used by election officers and registration

agents to register persons to vote.

88 (11) "Business reply mail envelope" means an envelope that  
may be mailed free of

89 charge by the sender.

90 (12) "By-mail voter registration form" means a voter registration  
form designed to be

91 completed by the voter and mailed to the election officer.

92 (13) "Canvass" means the review of election returns and the  
official declaration of

93 election results by the board of canvassers.

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

95 the canvass.

96 (15) "Contracting election officer" means an election officer who  
enters into a contract

97 or interlocal agreement with a provider election officer.

98 (16) "Convention" means the political party convention at which  
party officers and

99 delegates are selected.

100 (17) "Counting center" means one or more locations selected  
by the election officer in

101 charge of the election for the automatic counting of ballots.

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

103 election day.

104 (19) "Counting poll watcher" means a person selected as  
provided in Section

105 20A-3-201 to witness the counting of ballots.

106 (20) "Counting room" means a suitable and convenient private  
place or room,

107 immediately adjoining the place where the election is being held,  
for use by the poll workers

108 and counting judges to count ballots during election day.

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

110 elected.

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

112 (a) means the day that is specified in the calendar year as the  
day that the election

113 occurs; and

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114 (b) does not include:

115 (i) deadlines established for absentee voting; or

116 (ii) any early voting or early voting period as provided under  
Chapter 3, Part 6, Early

117 Voting.

118 (23) "Elected official" means:

119 (a) a person elected to an office under Section 20A-1-303;

120 (b) a person who is considered to be elected to a municipal  
office in accordance with

121 Subsection 20A-1-206(1)(c)(ii); or

122 (c) a person who is considered to be elected to a local district

office in accordance with

123 Subsection 20A-1-206(3)(c)(ii).

124 (24) "Election" means a regular general election, a municipal  
general election, a

125 statewide special election, a local special election, a regular  
primary election, a municipal

126 primary election, and a local district election.

127 (25) "Election Assistance Commission" means the commission  
established by ~~Public~~

128 ~~Law 107-252,~~ the Help America Vote Act of 2002, Pub. L. No.  
107-252.

129 (26) "Election cycle" means the period beginning on the first  
day persons are eligible to

130 file declarations of candidacy and ending when the canvass is  
completed.

131 (27) "Election judge" means a poll worker that is assigned to:

132 (a) preside over other poll workers at a polling place;

133 (b) act as the presiding election judge; or

134 (c) serve as a canvassing judge, counting judge, or receiving  
judge.

135 (28) "Election officer" means:

136 (a) the lieutenant governor, for all statewide ballots and  
elections;

137 (b) the county clerk for:

138 (i) a county ballot and election; and

139 (ii) a ballot and election as a provider election officer as  
provided in Section

140 20A-5-400.1 or 20A-5-400.5;

141 (c) the municipal clerk for:

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142 (i) a municipal ballot and election; and

143 (ii) a ballot and election as a provider election officer as  
provided in Section

144 20A-5-400.1 or 20A-5-400.5;

145 (d) the local district clerk or chief executive officer for:

146 (i) a local district ballot and election; and

147 (ii) a ballot and election as a provider election officer as  
provided in Section

148 20A-5-400.1 or 20A-5-400.5; or

149 (e) the business administrator or superintendent of a school  
district for:

150 (i) a school district ballot and election; and

151 (ii) a ballot and election as a provider election officer as  
provided in Section

152 20A-5-400.1 or 20A-5-400.5.

153 (29) "Election official" means any election officer, election  
judge, or poll worker.

154 (30) "Election results" means:

155 (a) for an election other than a bond election, the count of votes  
cast in the election and

156 the election returns requested by the board of canvassers; or

157 (b) for bond elections, the count of those votes cast for and  
against the bond

158 proposition plus any or all of the election returns that the board of  
canvassers may request.

159 (31) "Election returns" includes the pollbook, the military and  
overseas absentee voter

160 registration and voting certificates, one of the tally sheets, any  
unprocessed absentee ballots, all

161 counted ballots, all excess ballots, all unused ballots, all spoiled  
ballots, the ballot disposition

162 form, and the total votes cast form.

163 (32) "Electronic ballot" means a ballot that is recorded using a  
direct electronic voting

164 device or other voting device that records and stores ballot  
information by electronic means.

165 (33) "Electronic signature" means an electronic sound, symbol,  
or process attached to

166 or logically associated with a record and executed or adopted by a  
person with the intent to sign

167 the record.

168 (34) (a) "Electronic voting device" means a voting device that  
uses electronic ballots.

169 (b) "Electronic voting device" includes a direct recording  
electronic voting device.

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170 (35) "Inactive voter" means a registered voter who has:

171 (a) been sent the notice required by Section 20A-2-306; and

172 (b) failed to respond to that notice.

173 (36) "Inspecting poll watcher" means a person selected as  
provided in this title to

174 witness the receipt and safe deposit of voted and counted ballots.

175 (37) "Judicial office" means the office filled by any judicial  
officer.

176 (38) "Judicial officer" means any justice or judge of a court of  
record or any county

177 court judge.

178 (39) "Local district" means a local government entity under Title  
17B, Limited Purpose

179 Local Government Entities - Local Districts, and includes a special  
service district under Title

180 17D, Chapter 1, Special Service District Act.

181 (40) "Local district officers" means those local district board  
members that are required

182 by law to be elected.

183 (41) "Local election" means a regular county election, a regular  
municipal election, a

184 municipal primary election, a local special election, a local district  
election, and a bond

185 election.

186 (42) "Local political subdivision" means a county, a  
municipality, a local district, or a

187 local school district.

188 (43) "Local special election" means a special election called by  
the governing body of a

189 local political subdivision in which all registered voters of the local

political subdivision may

190 vote.

191 (44) "Municipal executive" means:

192 (a) the mayor in the council-mayor form of government defined  
in Section 10-3b-102;

193 (b) the mayor in the council-manager form of government  
defined in Subsection

194 10-3b-103(7); or

195 (c) the chair of a metro township form of government defined in  
Section 10-3b-102.

196 (45) "Municipal general election" means the election held in  
municipalities and, as

197 applicable, local districts on the first Tuesday after the first  
Monday in November of each

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198 odd-numbered year for the purposes established in Section 20A-1-  
202.

199 (46) "Municipal legislative body" means:

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

201 (b) the council of a metro township.

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

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

204 elected.

205 (49) "Municipal primary election" means an election held to  
nominate candidates for

206 municipal office.

207 (50) "Official ballot" means the ballots distributed by the  
election officer to the poll

208 workers to be given to voters to record their votes.

209 (51) "Official endorsement" means:

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

211 (i) the ballot as an official ballot;

212 (ii) the date of the election; and

213 (iii) (A) for a ballot prepared by an election officer other than a  
county clerk, the

214 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

215 (B) for a ballot prepared by a county clerk, the words required  
by Subsection

216 20A-6-301(1)(c)(iii); and

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

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

219 (ii) the ballot number.

220 (52) "Official register" means the official record furnished to  
election officials by the

221 election officer that contains the information required by Section  
20A-5-401.

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

223 (a) the names of offices and candidates and statements of  
ballot propositions to be

224 voted on; and

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

---

226 ballot proposition.

227 (54) "Pilot project" means the election day voter registration  
pilot project created in

228 Section 20A-4-108.

229 (55) "Political party" means an organization of registered voters  
that has qualified to

230 participate in an election by meeting the requirements of Chapter  
8, Political Party Formation

231 and Procedures.

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

233 cast votes.

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

235 (58) (a) "Poll worker" means a person assigned by an election  
official to assist with an

236 election, voting, or counting votes.

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

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

239 (59) "Position" means a square, circle, rectangle, or other  
geometric shape on a ballot

240 in which the voter marks the voter's choice.

241 (60) "Primary convention" means the political party conventions  
held during the year

242 of the regular general election.

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

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

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

246 (62) "Provider election officer" means an election officer who  
enters into a contract or

247 interlocal agreement with a contracting election officer to conduct  
an election for the

248 contracting election officer's local political subdivision in  
accordance with Section

249 20A-5-400.1.

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

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

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

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

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254 (64) "Provisional ballot envelope" means an envelope printed in  
the form required by

255 Section 20A-6-105 that is used to identify provisional ballots and to  
provide information to



256 verify a person's legal right to vote.  
257 (65) "Qualify" or "qualified" means to take the oath of office and  
begin performing the  
258 duties of the position for which the person was elected.  
259 (66) "Receiving judge" means the poll worker that checks the  
voter's name in the  
260 official register, provides the voter with a ballot, and removes the  
ballot stub from the ballot  
261 after the voter has voted.  
262 (67) "Registration form" means a book voter registration form  
and a by-mail voter  
263 registration form.  
264 (68) "Regular ballot" means a ballot that is not a provisional  
ballot.  
265 (69) "Regular general election" means the election held  
throughout the state on the first  
266 Tuesday after the first Monday in November of each even-  
numbered year for the purposes  
267 established in Section 20A-1-201.  
268 (70) "Regular primary election" means the election on the fourth  
Tuesday of June of  
269 each even-numbered year, to nominate candidates of political  
parties and candidates for  
270 nonpartisan State Board of Education and local school board  
positions to advance to the regular  
271 general election.  
272 (71) "Resident" means a person who resides within a specific  
voting precinct in Utah.  
273 (72) "Sample ballot" means a mock ballot similar in form to the  
official ballot printed  
274 and distributed as provided in Section 20A-5-405.  
275 (73) "Scratch vote" means to mark or punch the straight party  
ticket and then mark or  
276 punch the ballot for one or more candidates who are members of  
different political parties or  
277 who are unaffiliated.  
278 (74) "Secrecy envelope" means the envelope given to a voter  
along with the ballot into  
279 which the voter places the ballot after the voter has voted it in  
order to preserve the secrecy of  
280 the voter's vote.  
281 (75) "Special election" means an election held as authorized by  
Section 20A-1-203.

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282 (76) "Spoiled ballot" means each ballot that:  
283 (a) is spoiled by the voter;  
284 (b) is unable to be voted because it was spoiled by the printer  
or a poll worker; or  
285 (c) lacks the official endorsement.  
286 (77) "Statewide special election" means a special election  
called by the governor or the  
287 Legislature in which all registered voters in Utah may vote.  
288 (78) "Stub" means the detachable part of each ballot.

289 (79) "Substitute ballots" means replacement ballots provided by  
an election officer to  
290 the poll workers when the official ballots are lost or stolen.  
291 (80) "Ticket" means each list of candidates for each political  
party or for each group of  
292 petitioners.  
293 (81) "Transfer case" means the sealed box used to transport  
voted ballots to the  
294 counting center.  
295 (82) "Vacancy" means the absence of a person to serve in any  
position created by  
296 statute, whether that absence occurs because of death, disability,  
disqualification, resignation,  
297 or other cause.  
298 (83) "Valid voter identification" means:  
299 (a) a form of identification that bears the name and photograph  
of the voter which may  
300 include:

301 (i) a currently valid Utah driver license;  
302 (ii) a currently valid identification card that is issued by:  
303 (A) the state; or  
304 (B) a branch, department, or agency of the United States;  
305 (iii) a currently valid Utah permit to carry a concealed weapon;  
306 (iv) a currently valid United States passport; or  
307 (v) a currently valid United States military identification card;  
308 (b) one of the following identification cards, whether or not the  
card includes a  
309 photograph of the voter:

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310 (i) a valid tribal identification card;  
311 (ii) a Bureau of Indian Affairs card; or  
312 (iii) a tribal treaty card; or  
313 (c) two forms of identification not listed under Subsection (83)  
(a) or (b) but that bear  
314 the name of the voter and provide evidence that the voter resides  
in the voting precinct, which  
315 may include:  
316 (i) a current utility bill or a legible copy thereof, dated within the  
90 days before the  
317 election;  
318 (ii) a bank or other financial account statement, or a legible  
copy thereof;  
319 (iii) a certified birth certificate;  
320 (iv) a valid Social Security card;  
321 (v) a check issued by the state or the federal government or a  
legible copy thereof;  
322 (vi) a paycheck from the voter's employer, or a legible copy  
thereof;  
323 (vii) a currently valid Utah hunting or fishing license;  
324 (viii) certified naturalization documentation;  
325 (ix) a currently valid license issued by an authorized agency of  
the United States;  
326 (x) a certified copy of court records showing the voter's

adoption or name change;

327 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits  
Transfer Card;

328 (xii) a currently valid identification card issued by:

329 (A) a local government within the state;

330 (B) an employer for an employee; or

331 (C) a college, university, technical school, or professional  
school located within the

332 state; or

333 (xiii) a current Utah vehicle registration.

334 (84) "Valid write-in candidate" means a candidate who has  
qualified as a write-in

335 candidate by following the procedures and requirements of this  
title.

336 (85) "Voter" means a person who:

337 (a) meets the requirements for voting in an election;

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338 (b) meets the requirements of election registration;

339 (c) is registered to vote; and

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

341 (86) "Voter registration deadline" means the registration  
deadline provided in Section

342 20A-2-102.5.

343 (87) "Voting area" means the area within six feet of the voting  
booths, voting

344 machines, and ballot box.

345 (88) "Voting booth" means:

346 (a) the space or compartment within a polling place that is  
provided for the preparation

347 of ballots, including the voting machine enclosure or curtain; or

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

349 (89) "Voting device" means:

350 (a) an apparatus in which ballot sheets are used in connection  
with a punch device for

351 piercing the ballots by the voter;

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

353 (c) an electronic voting device or other device used to make  
selections and cast a ballot

354 electronically, or any component thereof;

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

356 (e) any other method for recording votes on ballots so that the  
ballot may be tabulated

357 by means of automatic tabulating equipment.

358 (90) "Voting machine" means a machine designed for the sole  
purpose of recording

359 and tabulating votes cast by voters at an election.

360 (91) "Voting poll watcher" means a person appointed as  
provided in this title to

361 witness the distribution of ballots and the voting process.

362 (92) "Voting precinct" means the smallest voting unit  
established as provided by law

363 within which qualified voters vote at one polling place.

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

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

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

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

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

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

374 (1) (a) When a vacancy occurs for any reason in the office of  
attorney general, state

375 treasurer, ~~or~~ state auditor, ~~or~~ State Board of Education  
member, the vacancy shall be filled

376 for the unexpired term at the next regular general election.

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

378 appointing a person who meets the qualifications for the office  
from three persons nominated

379 by the state central committee of the same political party as the  
prior officeholder.

380 (2) If a vacancy occurs in the office of lieutenant governor, the  
governor shall, with the

381 consent of the Senate, appoint a person to hold the office until the  
next regular general election

382 at which the governor stands for election.

383 (3) For a State Board of Education member vacancy, if the  
individual who is being

384 replaced is not a member of a political party, or if the member was  
elected at or before the 2016

385 regular general election, the governor shall fill the vacancy, with  
the consent of the Senate, by

386 selecting an individual who meets the qualifications and residency  
requirements for filling the

387 vacancy described in Section 20A-14-103.

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

389 **20A-9-201. Declarations of candidacy -- Candidacy for more  
than one office or of**

390 **more than one political party prohibited with exceptions --  
General filing and form**

391 **requirements -- Affidavit of impecuniosity.**

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

393 (a) be a United States citizen;

---

394 (b) meet the legal requirements of that office; and

395 (c) if seeking a registered political party's nomination as a  
candidate for elective office,

396 state:

397 (i) the registered political party of which the person is a  
member; or

398 (ii) that the person is not a member of a registered political  
party.

399 (2) (a) Except as provided in Subsection (2)(b), an individual  
may not:

400 (i) file a declaration of candidacy for, or be a candidate for,  
more than one office in

401 Utah during any election year;

402 (ii) appear on the ballot as the candidate of more than one  
political party; or

403 (iii) file a declaration of candidacy for a registered political party  
of which the

404 individual is not a member, except to the extent that the registered  
political party permits

405 otherwise in the registered political party's bylaws.

406 (b) (i) A person may file a declaration of candidacy for, or be a  
candidate for, president

407 or vice president of the United States and another office, if the  
person resigns the person's

408 candidacy for the other office after the person is officially  
nominated for president or vice

409 president of the United States.

410 (ii) A person may file a declaration of candidacy for, or be a  
candidate for, more than

411 one justice court judge office.

412 (iii) A person may file a declaration of candidacy for lieutenant  
governor even if the

413 person filed a declaration of candidacy for another office in the  
same election year if the person

414 withdraws as a candidate for the other office in accordance with  
Subsection 20A-9-202(6)

415 before filing the declaration of candidacy for lieutenant governor.

416 (3) (a) (i) Except for presidential candidates, before the filing  
officer may accept any

417 declaration of candidacy, the filing officer shall:

418 (A) read to the prospective candidate the constitutional and  
statutory qualification

419 requirements for the office that the candidate is seeking; and

420 (B) require the candidate to state whether ~~or not~~ the candidate  
meets those

421 requirements.

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422 (ii) Before accepting a declaration of candidacy for the office of  
county attorney, the

423 county clerk shall ensure that the person filing that declaration of  
candidacy is:

424 (A) a United States citizen;

425 (B) an attorney licensed to practice law in Utah who is an  
active member in good

426 standing of the Utah State Bar;

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

428 (D) a current resident of the county in which the person is  
seeking office and either has

429 been a resident of that county for at least one year or was  
appointed and is currently serving as

430 county attorney and became a resident of the county within 30  
days after appointment to the

431 office.

432 (iii) Before accepting a declaration of candidacy for the office of  
district attorney, the

433 county clerk shall ensure that, as of the date of the election, the  
person filing that declaration of

434 candidacy is:

435 (A) a United States citizen;

436 (B) an attorney licensed to practice law in Utah who is an  
active member in good

437 standing of the Utah State Bar;

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

439 and

440 (D) a current resident of the prosecution district in which the  
person is seeking office

441 and either will have been a resident of that prosecution district for  
at least one year as of the

442 date of the election or was appointed and is currently serving as  
district attorney and became a

443 resident of the prosecution district within 30 days after receiving  
appointment to the office.

444 (iv) Before accepting a declaration of candidacy for the office of  
county sheriff, the

445 county clerk shall ensure that the person filing the declaration of  
candidacy:

446 (A) as of the date of filing:

447 (I) is a United States citizen;

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

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

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450 law enforcement officers under Title 53, Chapter 6, Part 2, Peace  
Officer Training and

451 Certification Act; or

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

453 (IV) is qualified to be certified as a law enforcement officer, as  
defined in Section

454 53-13-103; and

455 (B) as of the date of the election, shall have been a resident of  
the county in which the

456 person seeks office for at least one year.

457 (v) Before accepting a declaration of candidacy for the office of  
governor, lieutenant

458 governor, state auditor, state treasurer, attorney general, state  
legislator, or State Board of  
459 Education member, the filing officer shall ensure:  
460 (A) that the person filing the declaration of candidacy also files  
the financial disclosure  
461 required by Section 20A-11-1603; and  
462 (B) if the filing officer is not the lieutenant governor, that the  
financial disclosure is  
463 provided to the lieutenant governor according to the procedures  
and requirements of Section  
464 20A-11-1603.  
465 (b) If the prospective candidate states that the qualification  
requirements for the office  
466 are not met, the filing officer may not accept the prospective  
candidate's declaration of  
467 candidacy.  
468 (c) If the candidate meets the requirements of Subsection (3)(a)  
and states that the  
469 requirements of candidacy are met, the filing officer shall:  
470 (i) inform the candidate that:  
471 (A) the candidate's name will appear on the ballot as [#] the  
candidate's name is written  
472 on the declaration of candidacy;  
473 (B) the candidate may be required to comply with state or local  
campaign finance  
474 disclosure laws; and  
475 (C) the candidate is required to file a financial statement before  
the candidate's political  
476 convention under:  
477 (I) Section 20A-11-204 for a candidate for constitutional office;  

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478 (II) Section 20A-11-303 for a candidate for the Legislature; or  
479 (III) local campaign finance disclosure laws, if applicable;  
480 (ii) except for a presidential candidate, provide the candidate  
with a copy of the current  
481 campaign financial disclosure laws for the office the candidate is  
seeking and inform the  
482 candidate that failure to comply will result in disqualification as a  
candidate and removal of the  
483 candidate's name from the ballot;  
484 (iii) provide the candidate with a copy of Section 20A-7-801  
regarding the Statewide  
485 Electronic Voter Information Website Program and inform the  
candidate of the submission  
486 deadline under Subsection 20A-7-801(4)(a);  
487 (iv) provide the candidate with a copy of the pledge of fair  
campaign practices  
488 described under Section 20A-9-206 and inform the candidate that:  
489 (A) signing the pledge is voluntary; and  
490 (B) signed pledges shall be filed with the filing officer;  
491 (v) accept the candidate's declaration of candidacy; and  
492 (vi) if the candidate has filed for a partisan office, provide a  
certified copy of the

493 declaration of candidacy to the chair of the county or state political  
party of which the

494 candidate is a member.

495 (d) If the candidate elects to sign the pledge of fair campaign  
practices, the filing

496 officer shall:

497 (i) accept the candidate's pledge; and

498 (ii) if the candidate has filed for a partisan office, provide a  
certified copy of the

499 candidate's pledge to the chair of the county or state political party  
of which the candidate is a

500 member.

501 (4) (a) Except for presidential candidates and State Board of  
Education candidates, the

502 form of the declaration of candidacy shall:

503 (i) be substantially as follows:

504 "State of Utah, County of \_\_\_\_

505 I, \_\_\_\_\_, declare my candidacy for the office of  
\_\_\_\_, seeking the

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506 nomination of the \_\_\_\_ party. I do solemnly swear that: I will meet  
the qualifications to hold

507 the office, both legally and constitutionally, if selected; I reside at  
\_\_\_\_\_ in the City

508 or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not  
knowingly violate any law

509 governing campaigns and elections; I will file all campaign financial  
disclosure reports as

510 required by law; and I understand that failure to do so will result in  
my disqualification as a

511 candidate for this office and removal of my name from the ballot.

The mailing address that I

512 designate for receiving official election notices is

\_\_\_\_\_  
\_\_\_\_\_.

513 \_\_\_\_\_  
514 Subscribed and sworn before me this

\_\_\_\_\_(month\day\year).

515

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

516 (ii) require the candidate to state, in the sworn statement  
described in Subsection

517 (4)(a)(i):

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

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

520 (b) An agent designated to file a declaration of candidacy under  
Section 20A-9-202

521 may not sign the form described in Subsection (4)(a).

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

523 is:



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

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

528 any candidate:

529 (i) who is disqualified; or

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

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

532 from candidates.

533 (ii) The lieutenant governor shall:

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534 (A) apportion to and pay to the county treasurers of the various  
counties all fees

535 received for filing of nomination certificates or acceptances; and

536 (B) ensure that each county receives that proportion of the total  
amount paid to the

537 lieutenant governor from the congressional district that the total  
vote of that county for all

538 candidates for representative in Congress bears to the total vote of  
all counties within the

539 congressional district for all candidates for representative in  
Congress.

540 (d) (i) A person who is unable to pay the filing fee may file a  
declaration of candidacy

541 without payment of the filing fee upon a prima facie showing of  
impecuniosity as evidenced by

542 an affidavit of impecuniosity filed with the filing officer and, if  
requested by the filing officer,

543 a financial statement filed at the time the affidavit is submitted.

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

545 (iii) (A) False statements made on an affidavit of impecuniosity  
or a financial

546 statement filed under this section shall be subject to the criminal  
penalties provided under

547 Sections 76-8-503 and 76-8-504 and any other applicable criminal  
provision.

548 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)  
(A) shall be

549 considered an offense under this title for the purposes of  
assessing the penalties provided in

550 Subsection 20A-1-609(2).

551 (iv) The filing officer shall ensure that the affidavit of  
impecuniosity is printed in

552 substantially the following form:

553 "Affidavit of Impecuniosity

554 Individual Name

555 \_\_\_\_\_ Address \_\_\_\_\_

556 Phone Number \_\_\_\_\_

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

562 Subscribed and sworn to before me on \_\_\_\_\_  
(month\day\year)  
563

564 \_\_\_\_\_  
(signature)

565 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

566 (v) The filing officer shall provide to a person who requests an  
affidavit of  
567 impecuniosity a statement printed in substantially the following  
form, which may be included  
568 on the affidavit of impecuniosity:  
569 "Filing a false statement is a criminal offense. In accordance  
with Section 20A-1-609, a  
570 candidate who is found guilty of filing a false statement, in addition  
to being subject to criminal  
571 penalties, will be removed from the ballot."

572 (vi) The filing officer may request that a person who makes a  
claim of impecuniosity  
573 under this Subsection (5)(d) file a financial statement on a form  
prepared by the election  
574 official.

575 (6) (a) If there is no legislative appropriation for the Western  
States Presidential  
576 Primary election, as provided in Part 8, Western States  
Presidential Primary, a candidate for  
577 president of the United States who is affiliated with a registered  
political party and chooses to  
578 participate in the regular primary election shall:

579 (i) file a declaration of candidacy, in person or via a designated  
agent, with the  
580 lieutenant governor:  
581 (A) on a form developed and provided by the lieutenant  
governor; and

582 (B) on or after the second Friday in March and before 5 p.m. on  
the third Thursday in  
583 March before the next regular primary election;  
584 (ii) identify the registered political party whose nomination the  
candidate is seeking;  
585 (iii) provide a letter from the registered political party certifying

that the candidate may  
586 participate as a candidate for that party in that party's presidential  
primary election; and  
587 (iv) pay the filing fee of \$500.  
588 (b) An agent designated to file a declaration of candidacy may  
not sign the form  
589 described in Subsection (6)(a)(i)(A).

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

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

594 (9) (a) The form of the declaration of candidacy for the office of  
State Board of

595 Education member shall be substantially as follows:

596 "State of Utah, County of \_\_\_\_\_

597 I, \_\_\_\_\_, declare my candidacy for the office of  
State Board of Education

598 member. I do solemnly swear that: I will meet the qualifications to  
hold the office, both legally

599 and constitutionally, if selected; I reside at \_\_\_\_\_ in the  
City or Town of \_\_\_\_\_, Utah.

600 Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law  
governing campaigns

601 and elections; I will file all campaign financial disclosure reports as  
required by law; and I

602 understand that failure to do so will result in my disqualification as  
a candidate for this office

603 and removal of my name from the ballot. The mailing address that  
I designate for receiving

604 official election notices is \_\_\_\_\_.

605

606 Subscribed and sworn before me this

\_\_\_\_\_  
(month\day\year). Notary Public (or

607 other officer qualified to administer oath)."

608 (b) An agent designated to file a declaration of candidacy under  
Section 20A-9-202

609 may not sign the form described in Subsection (9)(a).

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

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

612 (1) (a) Candidates for elective office that are to be filled at the  
next regular general

613 election shall be nominated in a regular primary election by direct  
vote of the people in the

614 manner prescribed in this section. The fourth Tuesday of June of  
each even-numbered year is

615 designated as regular primary election day. Nothing in this section  
shall affect a candidate's

616 ability to qualify for a regular general election's ballot as an

unaffiliated candidate under

617 Section 20A-9-501 or to participate in a regular general election as  
a write-in candidate under

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618 Section 20A-9-601.

619 (b) Each registered political party that chooses to have the  
names of its candidates for

620 elective office featured with party affiliation on the ballot at a  
regular general election shall

621 comply with the requirements of this section and shall nominate its  
candidates for elective

622 office in the manner prescribed in this section.

623 (c) A filing officer may not permit an official ballot at a regular  
general election to be

624 produced or used if the ballot denotes affiliation between a  
registered political party or any

625 other political group and a candidate for elective office who was  
not nominated in the manner

626 prescribed in this section or in Subsection 20A-9-202(4).

627 (d) Unless noted otherwise, the dates in this section refer to  
those that occur in each

628 even-numbered year in which a regular general election will be  
held.

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

630 shall:

631 (i) either declare their intent to participate in the next regular  
primary election or

632 declare that the registered political party chooses not to have the  
names of its candidates for

633 elective office featured on the ballot at the next regular general  
election; and

634 (ii) if the registered political party participates in the upcoming  
regular primary

635 election, identify one or more registered political parties whose  
members may vote for the

636 registered political party's candidates and whether or not persons  
identified as unaffiliated with

637 a political party may vote for the registered political party's  
candidates.

638 (b) (i) A registered political party that is a continuing political  
party must file the

639 statement described in Subsection (2)(a) with the lieutenant  
governor no later than 5 p.m. on

640 November 15 of each odd-numbered year.

641 (ii) An organization that is seeking to become a registered  
political party under Section

642 20A-8-103 must file the statement described in Subsection (2)(a)  
at the time that the registered

643 political party files the petition described in Section 20A-8-103.

644 (3) (a) Except as provided in Subsection (3)(e), a person who  
has submitted a

645 declaration of candidacy under Section 20A-9-202 shall appear as

a candidate for elective

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646 office on the regular primary ballot of the registered political party  
listed on the declaration of

647 candidacy only if the person is certified by the appropriate filing  
officer as having submitted a

648 set of nomination petitions that was:

649 (i) circulated and completed in accordance with Section 20A-9-  
405; and

650 (ii) signed by at least two percent of the registered political  
party's members who reside

651 in the political division of the office that the person seeks.

652 (b) A candidate for elective office shall submit nomination  
petitions to the appropriate

653 filing officer for verification and certification no later than 5 p.m. on  
the final day in March.

654 Candidates may supplement their submissions at any time on or  
before the filing deadline.

655 (c) The lieutenant governor shall determine for each elective  
office the total number of

656 signatures that must be submitted under Subsection (3)(a)(ii) by  
counting the aggregate number

657 of persons residing in each elective office's political division who  
have designated a particular

658 registered political party on their voter registration forms as of  
November 1 of each

659 odd-numbered year. The lieutenant governor shall publish this  
determination for each elective

660 office no later than November 15 of each odd-numbered year.

661 (d) The filing officer shall:

662 (i) verify signatures on nomination petitions in a transparent and  
orderly manner;

663 (ii) for all qualifying candidates for elective office who submitted  
nomination petitions

664 to the filing officer, issue certifications referenced in Subsection (3)  
(a) no later than 5 p.m. on

665 the first Monday after the third Saturday in April;

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

667 (iv) consider a person who signs a nomination petition a  
member of a registered

668 political party for purposes of Subsection (3)(a)(ii) if the person has  
designated that registered

669 political party as the person's party membership on the person's  
voter registration form; and

670 (v) utilize procedures described in Section 20A-7-206.3 to verify  
submitted nomination

671 petition signatures, or use statistical sampling procedures to verify  
submitted nomination

672 petition signatures pursuant to rules made under Subsection (3)(f).

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

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674 lieutenant governor may appear on the regular primary ballot of a  
registered political party  
675 without submitting nomination petitions if the candidate files a  
declaration of candidacy and  
676 complies with Subsection 20A-9-202(3).  
677 (f) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the  
678 director of elections, within the Office of the Lieutenant Governor,  
shall make rules that:  
679 (i) provide for the use of statistical sampling procedures that:  
680 (A) filing officers are required to use to verify signatures under  
Subsection (3)(d); and  
681 (B) reflect a bona fide effort to determine the validity of a  
candidate's entire  
682 submission, using widely recognized statistical sampling  
techniques; and  
683 (ii) provide for the transparent, orderly, and timely submission,  
verification, and  
684 certification of nomination petition signatures.  
685 (g) The county clerk shall:  
686 (i) review the declarations of candidacy filed by candidates for  
local boards of  
687 education to determine if more than two candidates have filed for  
the same seat;  
688 (ii) place the names of all candidates who have filed a  
declaration of candidacy for a  
689 local board of education seat on the nonpartisan section of the  
ballot if more than two  
690 candidates have filed for the same seat; and  
691 (iii) determine the order of the local board of education  
candidates' names on the ballot  
692 in accordance with Section 20A-6-305.  
693 (4) (a) By 5 p.m. on the first Wednesday after the third  
Saturday in April, the lieutenant  
694 governor shall provide to the county clerks:  
695 (i) a list of the names of all candidates for federal,  
constitutional, multi-county, and  
696 county offices who have received certifications under Subsection  
(3), along with instructions  
697 on how those names shall appear on the primary-election ballot in  
accordance with Section  
698 20A-6-305; and  
699 (ii) a list of unopposed candidates for elective office who have  
been nominated by a  
700 registered political party under Subsection (5)(c) and instruct the  
county clerks to exclude such  
701 candidates from the primary-election ballot.

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702 (b) A candidate for lieutenant governor and a candidate for  
governor campaigning as  
703 joint-ticket running mates shall appear jointly on the primary-  
election ballot.  
704 (c) After the county clerk receives the certified list from the

lieutenant governor under

705 Subsection (4)(a), the county clerk shall post or publish a primary election notice in

706 substantially the following form:

707 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,

708 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan

709 State Board of Education and local school board positions listed on the primary ballot. The

710 polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open

711 until 8 p.m. of the same day. Attest: county clerk."

712 (5) (a) Candidates, other than presidential candidates, receiving the highest number of

713 votes cast for each office at the regular primary election are nominated by their registered

714 political party for that office or are nominated as a candidate for a nonpartisan State Board of

715 Education or local school board position.

716 (b) If two or more candidates, other than presidential candidates, are to be elected to

717 the office at the regular general election, those party candidates equal in number to positions to

718 be filled who receive the highest number of votes at the regular primary election are the

719 nominees of their party for those positions.

720 (c) A candidate who is unopposed for an elective office in the regular primary election

721 of a registered political party is nominated by the party for that office without appearing on the

722 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a

723 certification under Subsection (3) for the regular primary election ballot of the candidate's

724 registered political party for a particular elective office.

725 (6) (a) When a tie vote occurs in any primary election for any national, state, or other

726 office that represents more than one county, the governor, lieutenant governor, and attorney

727 general shall, at a public meeting called by the governor and in the presence of the candidates

728 involved, select the nominee by lot cast in whatever manner the governor determines.

729 (b) When a tie vote occurs in any primary election for any county office, the district

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730 court judges of the district in which the county is located shall, at a public meeting called by

731 the judges and in the presence of the candidates involved, select the nominee by lot cast in

732 whatever manner the judges determine.

733 (7) The expense of providing all ballots, blanks, or other

supplies to be used at any  
734 primary election provided for by this section, and all expenses  
necessarily incurred in the  
735 preparation for or the conduct of that primary election shall be paid  
out of the treasury of the  
736 county or state, in the same manner as for the regular general  
elections.

737 (8) An individual may not file a declaration of candidacy for a  
registered political party  
738 of which the individual is not a member, except to the extent that  
the registered political party  
739 permits otherwise under the registered political party's bylaws.

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

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

742 **political party.**

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

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

747 candidacy for a member of a qualified political party who is  
nominated by, or who is seeking

748 the nomination of, the qualified political party under this section  
shall be substantially as

749 described in Section 20A-9-408.5.

750 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as  
provided in Subsection

751 20A-9-202(4), a member of a qualified political party who, under  
this section, is seeking the

752 nomination of the qualified political party for an elective office that  
is to be filled at the next

753 general election shall:

754 (a) within the period beginning on January 1 before the next  
regular general election

755 and ending on the third Thursday in March of the same year, and  
before gathering signatures

756 under this section, file with the filing officer on a form approved by  
the lieutenant governor a

757 notice of intent to gather signatures for candidacy that includes:

---

758 (i) the name of the member who will attempt to become a  
candidate for a registered

759 political party under this section;

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

761 nomination;

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

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

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



765 (b) file a declaration of candidacy, in person, with the filing  
officer on or after the  
766 second Friday in March and before 5 p.m. on the third Thursday in  
March before the next  
767 regular general election; and  
768 (c) pay the filing fee.  
769 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a  
qualified political  
770 party who, under this section, is seeking the nomination of the  
qualified political party for the  
771 office of district attorney within a multicounty prosecution district  
that is to be filled at the next  
772 general election shall:  
773 (a) on or after January 1 before the next regular general  
election, and before gathering  
774 signatures under this section, file with the filing officer on a form  
approved by the lieutenant  
775 governor a notice of intent to gather signatures for candidacy that  
includes:  
776 (i) the name of the member who will attempt to become a  
candidate for a registered  
777 political party under this section;  
778 (ii) the name of the registered political party for which the  
member is seeking  
779 nomination;  
780 (iii) the office for which the member is seeking to become a  
candidate;  
781 (iv) the address and telephone number of the member; and  
782 (v) other information required by the lieutenant governor;  
783 (b) file a declaration of candidacy, in person, with the filing  
officer on or after the  
784 second Friday in March and before 5 p.m. on the third Thursday in  
March before the next  
785 regular general election; and

---

786 (c) pay the filing fee.  
787 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant  
governor candidate  
788 who files as the joint-ticket running mate of an individual who is  
nominated by a qualified  
789 political party, under this section, for the office of governor shall  
submit a letter from the  
790 candidate for governor that names the lieutenant governor  
candidate as a joint-ticket running  
791 mate.  
792 (6) The lieutenant governor shall ensure that the certification  
described in Subsection  
793 20A-9-701(1) also includes the name of each candidate nominated  
by a qualified political party  
794 under this section.  
795 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall,  
for each candidate who  
796 is nominated by a qualified political party under this section,

designate the qualified political

797 party that nominated the candidate.

798 (8) A member of a qualified political party may seek the  
nomination of the qualified

799 political party for an elective office by:

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

801 (b) collecting signatures, on a form approved by the lieutenant  
governor, during the

802 period beginning on January 1 of an even-numbered year and  
ending 14 days before the day on

803 which the qualified political party's convention for the office is held,  
in the following amounts:

804 (i) for a statewide race, 28,000 signatures of registered voters  
in the state who are

805 permitted by the qualified political party to vote for the qualified  
political party's candidates in

806 a primary election;

807 (ii) for a congressional district race, 7,000 signatures of  
registered voters who are

808 residents of the congressional district and are permitted by the  
qualified political party to vote

809 for the qualified political party's candidates in a primary election;

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

811 residents of the state Senate district and are permitted by the  
qualified political party to vote for

812 the qualified political party's candidates in a primary election;

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

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814 residents of the state House district and are permitted by the  
qualified political party to vote for

815 the qualified political party's candidates in a primary election; ~~and~~

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

817 (A) 2,000 signatures of registered voters who are residents of  
the State Board of

818 Education district and are permitted by the qualified political party  
to vote for the qualified

819 political party's candidates in a primary election; or

820 (B) 3% of the registered voters of the qualified political party  
who are residents of the

821 applicable State Board of Education district; and

822 ~~(v)~~ (vi) for a county office race, signatures of 3% of the  
registered voters who are

823 residents of the area permitted to vote for the county office and are  
permitted by the qualified

824 political party to vote for the qualified political party's candidates in  
a primary election.

825 (9) (a) In order for a member of the qualified political party to  
qualify as a candidate

826 for the qualified political party's nomination for an elective office  
under this section, the

827 member shall:

828 (i) collect the signatures on a form approved by the lieutenant  
governor, using the same

829 circulation and verification requirements described in Sections  
20A-7-204 and 20A-7-205; and

830 (ii) submit the signatures to the election officer no later than 14  
days before the day on

831 which the qualified political party holds its convention to select  
candidates, for the elective

832 office, for the qualified political party's nomination.

833 (b) An individual may not gather signatures under this section  
until after the individual

834 files a notice of intent to gather signatures for candidacy described  
in this section.

835 (c) An individual who files a notice of intent to gather signatures  
for candidacy,

836 described in Subsection (3)(a) or (4)(a), is, beginning on the day on  
which the individual files

837 the notice of intent to gather signatures for candidacy:

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

839 required to comply with; and

840 (ii) subject to the same enforcement provisions, and civil and  
criminal penalties, that

841 apply to a candidate for office in relation to the reporting  
requirements described in Subsection

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842 (9)(c)(i).

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

844 election officer shall, no later than one day before the day on which  
the qualified political party

845 holds the convention to select a nominee for the elective office to  
which the signature packets

846 relate:

847 (i) check the name of each individual who completes the  
verification for a signature

848 packet to determine whether each individual is a resident of Utah  
and is at least 18 years old;

849 (ii) submit the name of each individual described in Subsection  
(9)(d)(i) who is not a

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

851 (iii) determine whether each signer is a registered voter who is  
qualified to sign the

852 petition, using the same method, described in Section 20A-7-  
206.3, used to verify a signature

853 on a petition;

854 (iv) certify whether each name is that of a registered voter who  
is qualified to sign the

855 signature packet; and

856 (v) notify the qualified political party and the lieutenant governor  
of the name of each

857 member of the qualified political party who qualifies as a nominee  
of the qualified political

858 party, under this section, for the elective office to which the  
convention relates.

859 (e) Upon receipt of a notice of intent to gather signatures for  
candidacy described in

860 this section, the lieutenant governor shall post the notice of intent  
to gather signatures for

861 candidacy on the lieutenant governor's website in the same  
location that the lieutenant governor

862 posts a declaration of candidacy.

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

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

865 (1) Within 30 days after a deadline for the filing of a summary  
report, the lieutenant

866 governor shall review each filed summary report to ensure that:

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

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

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

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870 law, if it appears that a filed summary report does not conform to  
the law, or if the lieutenant

871 governor has received a written complaint alleging a violation of  
the law or the falsity of any

872 summary report, the lieutenant governor shall, if the lieutenant  
governor determines that a

873 violation has occurred:

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

875 (b) within five days of discovery of a violation or receipt of a  
written complaint, notify

876 the officeholder of the violation or written complaint and direct the  
officeholder to file a

877 summary report correcting the problem.

878 (3) (a) It is unlawful for any officeholder to fail to file or amend a  
summary report

879 within seven days after receiving notice from the lieutenant  
governor under this section.

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

881 misdemeanor.

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

883 attorney general.

884 (d) In addition to the criminal penalty described in Subsection  
(3)(b), the lieutenant

885 governor shall impose a civil fine of \$100 against an officeholder  
who violates Subsection

886 (3)(a).

887 (4) Within 30 days after a deadline for the filing of an interim

report by an officeholder

888 under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)(~~e~~)(d), the

889 lieutenant governor shall review each filed interim report to ensure that each interim report

890 contains the information required for the report.

891 (5) If it appears that any officeholder has failed to file an interim report required by

892 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant

893 governor has received a written complaint alleging a violation of the law or the falsity of any

894 interim report, the lieutenant governor shall, if the lieutenant governor determines that a

895 violation has occurred:

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

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

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898 complaint is received, notify the officeholder of the violation or written complaint and direct

899 the officeholder to file an interim report correcting the problem.

900 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report

901 within seven days after the day on which the officeholder receives notice from the lieutenant

902 governor under this section.

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

904 misdemeanor.

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

906 attorney general.

907 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant

908 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection

909 (6)(a).

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

911 **20A-11-1301. School board office candidate -- Campaign finance requirements --**

912 **Candidate as a political action committee officer -- No personal use -- Contribution**

913 **reporting deadline -- Report other accounts -- Anonymous contributions.**

914 (1) (a) (i) Each school board office candidate shall deposit each contribution and public

915 service assistance received in one or more separate accounts in a financial institution that are

916 dedicated only to that purpose.

917 (ii) A school board office candidate may:

918 (A) receive a contribution or public service assistance from a

political action

919 committee registered under Section 20A-11-601; and

920 (B) be designated by a political action committee as an officer  
who has primary

921 decision-making authority as described in Section 20A-11-601.

922 (b) A school board office candidate may not use money  
deposited in an account

923 described in Subsection (1)(a)(i) for:

924 (i) a personal use expenditure; or

925 (ii) an expenditure prohibited by law.

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926 (2) A school board office candidate may not deposit or mingle  
any contributions or

927 public service assistance received into a personal or business  
account.

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

929 by law.

930 (4) If a person who is no longer a school board office candidate  
chooses not to expend

931 the money remaining in a campaign account, the person shall  
continue to file the year-end

932 summary report required by Section 20A-11-1302 until the  
statement of dissolution and final

933 summary report required by Section 20A-11-1304 are filed with the  
lieutenant governor.

934 (5) (a) Except as provided in Subsection (5)(b) and Section  
20A-11-402, a person who

935 is no longer a school board office candidate may not expend or  
transfer the money in a

936 campaign account in a manner that would cause the former school  
board office candidate to

937 recognize the money as taxable income under federal tax law.

938 (b) A person who is no longer a school board office candidate  
may transfer the money

939 in a campaign account in a manner that would cause the former  
school board office candidate

940 to recognize the money as taxable income under federal tax law if  
the transfer is made to a

941 campaign account for federal office.

942 (6) (a) As used in this Subsection (6) [~~and Section 20A-11-~~  
~~1303], "received" means[-]~~

943 ~~the same as that term is defined in Subsection 20A-11-1303(1)(a).~~

944 ~~[(i) for a cash contribution, that the cash is given to a school  
board office candidate or a~~

945 ~~member of the candidate's personal campaign committee;]~~

946 ~~[(ii) for a contribution that is a negotiable instrument or check,  
that the negotiable~~

947 ~~instrument or check is negotiated; and]~~

948 ~~[(iii) for any other type of contribution, that any portion of the  
contribution's benefit~~

949 ~~inures to the school board office candidate.]~~

950 (b) Each school board office candidate shall report to the chief

election officer each

951 contribution and public service assistance received by the school  
board office candidate:

952 (i) except as provided in Subsection (6)(b)(ii), within 30 days  
after the day on which

953 the contribution or public service assistance is received; or

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954 (ii) within three business days after the day on which the  
contribution or public service

955 assistance is received, if:

956 (A) the school board office candidate is contested in a primary  
election and the

957 contribution or public service assistance is received within 30 days  
before the day on which the

958 primary election is held; or

959 (B) the school board office candidate is contested in a general  
election and the

960 contribution or public service assistance is received within 30 days  
before the day on which the

961 general election is held.

962 (c) For each contribution or provision of public service  
assistance that a school board

963 office candidate fails to report within the time period described in  
Subsection (6)(b), the chief

964 election officer shall impose a fine against the school board office  
candidate in an amount

965 equal to:

966 (i) (A) 10% of the amount of the contribution, if the school  
board office candidate

967 reports the contribution within 60 days after the day on which the  
time period described in

968 Subsection (6)(b) ends; or

969 (B) 20% of the amount of the contribution, if the school board  
office candidate fails to

970 report the contribution within 60 days after the day on which the  
time period described in

971 Subsection (6)(b) ends; or

972 (ii) (A) 10% of the value of the public service assistance, if the  
school board office

973 candidate reports the public service assistance within 60 days  
after the day on which the time

974 period described in Subsection (6)(b) ends; or

975 (B) 20% of the amount of the public service assistance, if the  
school board office

976 candidate fails to report the public service assistance within 60  
days after the day on which the

977 time period described in Subsection (6)(b) ends.

978 (d) The chief election officer shall:

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

980 (ii) report on the chief election officer's website, in the location  
where reports relating

981 to each school board office candidate are available for public

access:

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982 (A) each fine imposed by the chief election officer against the  
school board office  
983 candidate;  
984 (B) the amount of the fine;  
985 (C) the amount of the contribution to which the fine relates; and  
986 (D) the date of the contribution.  
987 (7) Within 30 days after receiving a contribution that is cash or  
a negotiable  
988 instrument, exceeds \$50, and is from an unknown source, a  
school board office candidate shall  
989 disburse the contribution to:  
990 (a) the treasurer of the state or a political subdivision for  
deposit into the state's or  
991 political subdivision's general fund; or  
992 (b) an organization that is exempt from federal income taxation  
under Section  
993 501(c)(3), Internal Revenue Code.  
994 (8) (a) As used in this Subsection (8), "account" means an  
account in a financial  
995 institution:  
996 (i) that is not described in Subsection (1)(a)(i); and  
997 (ii) into which or from which a person who, as a candidate for  
an office, other than a  
998 school board office for which the person files a declaration of  
candidacy or federal office, or as  
999 a holder of an office, other than a school board office for which the  
person files a declaration of  
1000 candidacy or federal office, deposits a contribution or makes an  
expenditure.  
1001 (b) A school board office candidate shall include on any  
financial statement filed in  
1002 accordance with this part:  
1003 (i) a contribution deposited in an account:  
1004 (A) since the last campaign finance statement was filed; or  
1005 (B) that has not been reported under a statute or ordinance  
that governs the account; or  
1006 (ii) an expenditure made from an account:  
1007 (A) since the last campaign finance statement was filed; or  
1008 (B) that has not been reported under a statute or ordinance  
that governs the account.  
1009 Section 8. Section **20A-11-1303** is amended to read:

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1010 **20A-11-1303. School board office candidate and school  
board officeholder --**

1011 **Financial reporting requirements -- Interim reports.**

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

1013 (i) for a cash contribution, that the cash is given to a school  
board office candidate or a

1014 member of the school board office candidate's personal campaign  
committee;

1015 (ii) for a contribution that is a check or other negotiable



instrument, that the check or

1016 other negotiable instrument is negotiated; or

1017 (iii) for any other type of contribution, that any portion of the contribution's benefit

1018 inures to the school board office candidate.

1019 ~~[(1)-(a)]~~ (b) As used in this Subsection (1), "campaign account" means a separate

1020 campaign account required under Subsection 20A-11-1301(1)(a) (i).

1021 ~~[(b)]~~ (c) Each school board office candidate shall file an interim report at the following

1022 times in any year in which the candidate has filed a declaration of candidacy for a public office:

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

1024 (i) (A) seven days before the political convention for the political party of the school

1025 board office candidate; or

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

1027 party;

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

1029 (iii) September 30; and

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

1031 ~~[(e)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account

1032 that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim

1033 report at the following times, regardless of whether an election for the school board ~~[office~~

1034 ~~holder's]~~ officeholder's office is held that year:

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

1036 (i) (A) seven days before the political convention for the political party of the school

1037 board officeholder; or

---

1038 (B) May 15, if the school board officeholder does not affiliate with a political party;

1039 (ii) seven days before the regular primary election date for that year;

1040 (iii) September 30; and

1041 (iv) seven days before the regular general election date.

1042 (2) Each interim report shall include the following information:

1043 (a) the net balance of the last summary report, if any;

1044 (b) a single figure equal to the total amount of receipts reported on all prior interim

1045 reports, if any, during the calendar year in which the interim report is due;

1046 (c) a single figure equal to the total amount of expenditures reported on all prior

1047 interim reports, if any, filed during the calendar year in which the interim report is due;

1048 (d) a detailed listing of each contribution and public service assistance received since

1049 the last summary report that has not been reported in detail on a  
prior interim report;  
1050 (e) for each nonmonetary contribution:  
1051 (i) the fair market value of the contribution with that  
information provided by the  
1052 contributor; and  
1053 (ii) a specific description of the contribution;  
1054 (f) a detailed listing of each expenditure made since the last  
summary report that has  
1055 not been reported in detail on a prior interim report;  
1056 (g) for each nonmonetary expenditure, the fair market value of  
the expenditure;  
1057 (h) a net balance for the year consisting of the net balance  
from the last summary  
1058 report, if any, plus all receipts since the last summary report  
minus all expenditures since the  
1059 last summary report;  
1060 (i) a summary page in the form required by the lieutenant  
governor that identifies:  
1061 (i) beginning balance;  
1062 (ii) total contributions during the period since the last  
statement;  
1063 (iii) total contributions to date;  
1064 (iv) total expenditures during the period since the last  
statement; and  
1065 (v) total expenditures to date; and

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1066 (j) the name of a political action committee for which the  
school board office candidate  
1067 or school board ~~[office holder]~~ officeholder is designated as an  
officer who has primary  
1068 decision-making authority under Section 20A-11-601.  
1069 (3) (a) For all individual contributions or public service  
assistance of \$50 or less, a  
1070 single aggregate figure may be reported without separate detailed  
listings.  
1071 (b) Two or more contributions from the same source that have  
an aggregate total of  
1072 more than \$50 may not be reported in the aggregate, but shall be  
reported separately.  
1073 (4) (a) In preparing each interim report, all receipts and  
expenditures shall be reported  
1074 as of five days before the required filing date of the report.  
1075 (b) Any negotiable instrument or check received by a school  
board office candidate or  
1076 school board ~~[office holder]~~ officeholder more than five days  
before the required filing date of  
1077 a report required by this section shall be included in the interim  
report.  
1078 Section 9. Section **20A-11-1305** is amended to read:  
1079 **20A-11-1305. School board office candidate -- Failure to  
file statement --**  
1080 **Penalties.**

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

1083 (b) If a school board office candidate fails to file an interim  
report described in

1084 Subsections 20A-11-1303(1)(~~(b)~~)(c)(ii) through (iv), the chief  
election officer shall, after

1085 making a reasonable attempt to discover if the report was timely  
filed, inform the county clerk

1086 and other appropriate election officials who:

1087 (i) (A) shall, if practicable, remove the name of the candidate  
from the ballots before

1088 the ballots are delivered to voters; or

1089 (B) shall, if removing the candidate's name from the ballot is  
not practicable, inform

1090 the voters by any practicable method that the candidate has been  
disqualified and that votes

1091 cast for the candidate will not be counted; and

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

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

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

1095 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school  
board office candidate is

1096 not disqualified and the chief election officer may not impose a  
fine if:

1097 (i) the candidate timely files the reports required by this  
section in accordance with

1098 Section 20A-11-103;

1099 (ii) those reports are completed, detailing accurately and  
completely the information

1100 required by this part except for inadvertent omissions or  
insignificant errors or inaccuracies;

1101 and

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

1103 corrected in:

1104 (A) an amended report; or

1105 (B) the next scheduled report.

1106 (2) (a) Within 30 days after a deadline for the filing of a  
summary report by a school

1107 board office candidate, the lieutenant governor shall review each  
filed summary report to

1108 ensure that:

1109 (i) each school board office candidate [~~that~~] who is required to  
file a summary report

1110 has filed one; and

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

1112 (b) If it appears that a school board office candidate has failed

to file the summary

1113 report required by law, if it appears that a filed summary report does not conform to the law, or

1114 if the lieutenant governor has received a written complaint alleging a violation of the law or the

1115 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a

1116 violation or receipt of a written complaint, notify the school board office candidate of the

1117 violation or written complaint and direct the school board office candidate to file a summary

1118 report correcting the problem.

1119 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a

1120 summary report within seven days after receiving notice from the lieutenant governor under

1121 this section.

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1122 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a

1123 class B misdemeanor.

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

1125 attorney general.

1126 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant

1127 governor shall impose a civil fine of \$100 against a school board office candidate who violates

1128 Subsection (2)(c)(i).

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

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

**Requirements.**

1131 (1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member

1132 elected from a State Board of Education district at ~~[the 2010]~~ or before the 2016 general

1133 election shall ~~[-(i)]~~ serve out the term of office for which that member was elected ~~[-and]~~.

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

1135 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~

1136 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~

1137 ~~to serve a term of office of four years.]~~

1138 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~

1139 ~~Education members expire every two years:]~~

1140 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~

1141 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~

1142 ~~two years; and]~~

1143 ~~[(ii) at the general election to be held in 2014, the State Board~~  
of Education member

1144 ~~elects from State Board of Education District 1 shall be elected~~  
to serve a term of office of

1145 ~~four years.]~~

1146 (2) (a) A person seeking election to the State Board of  
Education shall have been a

1147 resident of the State Board of Education district in which the  
person is seeking election for at

1148 least one year as of the date of the election.

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

---

1150 boundaries of the district exist on the date of the election, for one  
year immediately preceding

1151 the date of the election shall be considered to have met the  
requirements of this Subsection (2).

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

1153 (a) be and remain a registered voter in the State Board of  
Education district from which

1154 the member was elected or appointed; and

1155 (b) maintain the member's primary residence within the State  
Board of Education

1156 district from which the member was elected or appointed during  
the member's term of office.

1157 (4) A State Board of Education member may not, during the  
member's term of office,

1158 also serve as an employee of:

1159 (a) the State Board of Education;

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

1161 (c) the Utah State Office of Rehabilitation.

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

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

1164 **Education.**

1165 (1) ~~[(a) Persons]~~ An individual interested in becoming a  
candidate for the State Board

1166 of Education shall:

1167 (a) (i) for the 2016 general election, file a declaration of  
candidacy ~~[according to]~~, in

1168 accordance with the procedures and requirements of Sections  
20A-9-201 and 20A-9-202[-].

1169 before 5 p.m. on March 17, 2016; or

1170 (ii) for a general election held after 2016, file a declaration of  
candidacy, in accordance

1171 with the procedures and requirements of Sections 20A-9-201 and  
20A-9-202, on or after the

1172 second Friday in March, and before 5 p.m. on the third Thursday  
in March, before the next

1173 regular general election; and

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

1175 ~~[(b) By May 1 of the year in which a State Board of Education~~  
member's term expires;

1176 ~~the lieutenant governor shall submit the name of each person who~~  
~~has filed a declaration of~~  
1177 ~~candidacy for the State Board of Education to the nominating and~~  
~~recruiting committee for the~~

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1178 ~~State Board of Education.]~~  
1179 (2) The lieutenant governor shall:  
1180 (a) review the declarations of candidacy filed by candidates for  
the office of State  
1181 Board of Education member to determine if more than two  
candidates have filed for the same  
1182 seat;  
1183 (b) place the names of all candidates who have filed a  
declaration of candidacy for a  
1184 State Board of Education seat on the nonpartisan section of the  
ballot if more than two  
1185 candidates have filed for the same seat; and  
1186 (c) determine the order of the State Board of Education  
candidates' names on the ballot  
1187 in accordance with Section 20A-6-305.

1188 ~~[(2) By November 1 of the year preceding each regular general~~  
~~election year, a~~

1189 ~~nominating and recruiting committee consisting of 12 members,~~  
~~each to serve a two year term,~~

1190 ~~shall be appointed by the governor as follows:]~~

1191 ~~[(a) one member shall be appointed to represent each of the~~  
~~following business and~~

1192 ~~industry sectors:]~~

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

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

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

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

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

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

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

1200 ~~sectors:]~~

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

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

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

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

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

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1206 ~~[(vi) higher education.]~~

1207 ~~[(3) (a) The members appointed under Subsections (2)(a)(i)~~  
~~through (vi) and (2)(b)(i)~~

1208 ~~through (vi) shall be appointed from lists containing at least two~~  
~~names submitted by~~

1209 ~~organizations representing each of the respective sectors.]~~

1210 ~~[(b) At least one member of the nominating and recruiting~~  
~~committee shall reside~~

1211 ~~within each state board district in which a member's term expires~~  
~~during the committee's~~

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

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

1252 ~~[(j) labor; and]~~  
1253 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

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

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

1256 (1) A person interested in becoming a candidate for the State Board of Education shall

1257 file a declaration of candidacy according to the procedures and requirements of Sections

1258 20A-9-201 and 20A-9-202.

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

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

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

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

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

1264 ~~[(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and~~

1265 ~~"; or" is repealed January 1, 2016.]~~

1266 ~~[(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not~~

1267 ~~described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is~~

1268 ~~repealed January 1, 2015.]~~

1269 ~~[(4) Section 20A-9-403.1 is repealed on January 1, 2016.]~~

1270 On January 1, 2017:

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

1272 and" is repealed;

1273 (2) in Subsection 20A-9-201(4)(a), the language that states "and State Board of

1274 Education candidates" is repealed;

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

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

1277 and" is repealed;

1278 (5) in Subsection 20A-9-403(5)(a), the language that states "State Board of Education

1279 or" is repealed; and

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

1281 Section 14. **Repealer.**

1282 This bill repeals:

1283 Section **20A-14-105, Becoming a candidate for membership on the State Board of**

1284 **Education -- Selection of candidates by the governor -- Ballot placement.**

1285 Section 15. **Effective date.**

1286 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members

1287 elected to each house, this bill takes effect upon approval by the governor, or the day following



1288 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
1289 signature, or in the case of a veto, the date of veto override.

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

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