

Representative Daniel McCay proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to election law.

Highlighted Provisions:

This bill:

- ▶ removes the requirement that a qualified political party permit unaffiliated voters to participate in a primary for the qualified political party;

- ▶ removes a political party's ability to replace a candidate who is disqualified for failure to file a financial disclosure;

- ▶ requires an election official to provide notice and a grace period when a candidate fails to file certain financial reports, before disqualifying the candidate;

- ▶ modifies fines for failing to file certain financial reports;

- ▶ establishes a deadline by which an individual who wishes to become a candidate for the State Board of Education or a local school board shall submit a declaration of candidacy; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **17-16-6.5**, as last amended by Laws of Utah 2015, Chapter 21
- 30 **20A-1-501**, as last amended by Laws of Utah 2014, Chapter 17
- 31 **20A-9-101**, as last amended by Laws of Utah 2015, Chapter 296
- 32 **20A-9-406**, as last amended by Laws of Utah 2015, Chapter 296
- 33 **20A-11-103**, as last amended by Laws of Utah 2014, Chapters 76 and 335
- 34 **20A-11-206**, as last amended by Laws of Utah 2015, Chapter 204
- 35 **20A-11-305**, as last amended by Laws of Utah 2015, Chapter 204
- 36 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 37 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 38 **20A-14-203**, as enacted by Laws of Utah 1995, Chapter 1



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

41 Section 1. Section **17-16-6.5** is amended to read:

42 **17-16-6.5. Campaign financial disclosure in county elections.**

43 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
44 requirements for:

- 45 (i) candidates for county office; and
- 46 (ii) candidates for local school board office who reside in that county.

47 (b) The ordinance required by Subsection (1)(a) shall include:

48 (i) a requirement that each candidate for county office or local school board office
49 report the candidate's itemized and total campaign contributions and expenditures at least once
50 within the two weeks before the election and at least once within two months after the election;

51 (ii) a definition of "contribution" and "expenditure" that requires reporting of
52 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

53 (iii) a requirement that the financial reports identify:

54 (A) for each contribution of more than \$50, the name of the donor of the contribution,
55 if known, and the amount of the contribution; and

56 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

57 (iv) a requirement that a candidate for county office or local school board office
58 deposit a contribution in a separate campaign account in a financial institution;

59 (v) a prohibition against a candidate for county office or local school board office
60 depositing or mingling any contributions received into a personal or business account; and

61 (vi) a requirement that a candidate for county office who receives a contribution that is
62 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,
63 shall, within 30 days after receiving the contribution, disburse the amount of the contribution
64 to:

65 (A) the treasurer of the state or a political subdivision for deposit into the state's or
66 political subdivision's general fund; or

67 (B) an organization that is exempt from federal income taxation under Section
68 501(c)(3), Internal Revenue Code.

69 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
70 institution:

71 (A) that is not described in Subsection (1)(b)(iv); and

72 (B) into which or from which a person who, as a candidate for an office, other than a
73 county office for which the person files a declaration of candidacy or federal office, or as a
74 holder of an office, other than a county office for which the person files a declaration of
75 candidacy or federal office, deposits a contribution or makes an expenditure.

76 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
77 candidate for county office or local school board office include on a financial report filed in
78 accordance with the ordinance a contribution deposited in or an expenditure made from an
79 account:

80 (A) since the last financial report was filed; or

81 (B) that has not been reported under a statute or ordinance that governs the account.

82 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
83 Subsection (1), candidates for county office, other than community council office, and
84 candidates for local school board office shall comply with the financial reporting requirements
85 contained in Subsections (3) through (8).

86 (3) A candidate for elective office in a county or local school board office:

87 (a) shall deposit a contribution in a separate campaign account in a financial institution;

88 and

89 (b) may not deposit or mingle any contributions received into a personal or business
90 account.

91 (4) Each candidate for elective office in any county who is not required to submit a
92 campaign financial statement to the lieutenant governor, and each candidate for local school
93 board office, shall file a signed campaign financial statement with the county clerk:

94 (a) seven days before the date of the regular general election, reporting each
95 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
96 general election; and

97 (b) no later than 30 days after the date of the regular general election.

98 (5) (a) The statement filed seven days before the regular general election shall include:

99 (i) a list of each contribution of more than \$50 received by the candidate, and the name
100 of the donor, if known;

101 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

102 (iii) a list of each expenditure for political purposes made during the campaign period,
103 and the recipient of each expenditure.

104 (b) The statement filed 30 days after the regular general election shall include:

105 (i) a list of each contribution of more than \$50 received after the cutoff date for the
106 statement filed seven days before the election, and the name of the donor;

107 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after
108 the cutoff date for the statement filed seven days before the election; and

109 (iii) a list of all expenditures for political purposes made by the candidate after the
110 cutoff date for the statement filed seven days before the election, and the recipient of each
111 expenditure.

112 (6) (a) As used in this Subsection (6), "account" means an account in a financial
113 institution:

114 (i) that is not described in Subsection (3)(a); and

115 (ii) into which or from which a person who, as a candidate for an office, other than a
116 county office for which the person filed a declaration of candidacy or federal office, or as a
117 holder of an office, other than a county office for which the person filed a declaration of
118 candidacy or federal office, deposits a contribution or makes an expenditure.

119 (b) A county office candidate and a local school board office candidate shall include on
120 any campaign financial statement filed in accordance with Subsection (4) or (5):

121 (i) a contribution deposited in an account:

122 (A) since the last campaign finance statement was filed; or

123 (B) that has not been reported under a statute or ordinance that governs the account; or

124 (ii) an expenditure made from an account:

125 (A) since the last campaign finance statement was filed; or

126 (B) that has not been reported under a statute or ordinance that governs the account.

127 (7) Within 30 days after receiving a contribution that is cash or a negotiable
128 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
129 candidate shall disburse the amount of the contribution to:

130 (a) the treasurer of the state or a political subdivision for deposit into the state's or
131 political subdivision's general fund; or

132 (b) an organization that is exempt from federal income taxation under Section
133 501(c)(3), Internal Revenue Code.

134 (8) Candidates for elective office in any county, and candidates for local school board
135 office, who are eliminated at a primary election shall file a signed campaign financial statement
136 containing the information required by this section not later than 30 days after the primary
137 election.

138 (9) Any person who fails to comply with this section is guilty of an infraction.

139 (10) (a) Counties may, by ordinance, enact requirements that:

140 (i) require greater disclosure of campaign contributions and expenditures; and

141 (ii) impose additional penalties.

142 (b) The requirements described in Subsection (10)(a) apply to a local school board
143 office candidate who resides in that county.

144 (11) [~~(a)~~] If a candidate fails to file an interim report due before the election, the county
145 clerk shall [~~after making a reasonable attempt to discover if the report was timely mailed,~~]:

146 (a) within 24 hours after the deadline for filing the report, send an electronic notice to
147 the candidate and the political party of which the candidate is a member, if any, that states:

148 (i) the date and time at which the notice is sent;

149 (ii) that the candidate failed to timely file the report; and

150 (iii) that, if the candidate fails to file the report within 24 hours after the time described
151 in Subsection (11)(a)(i), the candidate will be disqualified and the political party will not be
152 permitted to replace the candidate; and

153 (b) impose a fine of \$500 on the candidate.

154 (12) (a) (i) The county clerk complies with Subsection (11)(a) by sending the notice to
155 an email address or phone number provided to the lieutenant governor by:

156 (A) the candidate, if one is provided by the candidate; and

157 (B) the political party, if one is provided by the political party.

158 (b) The county clerk shall disqualify a candidate and inform the appropriate election
159 officials [~~who: (i) (A)~~] that the candidate is disqualified if:

160 (i) the candidate fails to file an interim report described in Subsection (11) within 24
161 hours after the county clerk sends the notice described in Subsection (11)(a); or

162 (ii) (A) the county clerk is not provided with an accurate email address or phone
163 number from the candidate or the candidate's party; and

164 (B) the candidate fails to file an interim report described in Subsection (11) within 24
165 hours after the deadline for filing the report.

166 (c) The political party of a candidate who is disqualified under Subsection (12)(b) may
167 not replace the candidate.

168 (13) If a candidate is disqualified under Subsection (12)(b) the election official:

169 (a) (i) shall, if practicable, remove the name of the candidate by blacking out the
170 candidate's name before the ballots are delivered to voters; or

171 ~~(B)~~ (ii) shall, if removing the candidate's name from the ballot is not practicable,
172 inform the voters by any practicable method that the candidate has been disqualified and that
173 votes cast for the candidate will not be counted; and

174 ~~(i)~~ (b) may not count any votes for that candidate.

175 ~~(b) Notwithstanding Subsection (11)(a), a~~

176 (14) An election official may fulfill the requirement described in Subsection (13)(a) in
177 relation to an absentee voter, including a military or overseas absentee voter, by including with
178 the absentee ballot a written notice directing the voter to a public website that will inform the
179 voter whether a candidate on the ballot is disqualified.

180 (15) A candidate is not disqualified if:

181 ~~[(i)]~~ (a) the candidate files the ~~[reports required by this section]~~ interim reports
182 described in Subsection (11) no later than the end of the applicable 24-hour period described in
183 Subsection (12)(b);

184 ~~[(ii) those]~~ (b) the reports are completed, detailing accurately and completely the
185 information required by this section except for inadvertent omissions or insignificant errors or
186 inaccuracies; and

187 ~~[(iii) those]~~ (c) the omissions, errors, or inaccuracies are corrected in an amended
188 report or in the next scheduled report.

189 ~~[(c)]~~ (16) A report is considered timely filed if:

190 ~~[(i) it]~~ (a) the report is received in the county clerk's office no later than ~~[5 p.m.]~~
191 midnight on the date that ~~[it]~~ the report is due;

192 ~~[(ii) it]~~ (b) the report is received in the county clerk's office with a United States Postal
193 Service postmark three days or more before the date that the report was due; or

194 ~~[(iii)]~~ (c) the candidate has proof that the report was mailed, with appropriate postage
195 and addressing, three days before the report was due.

196 ~~[(12)]~~ (17) (a) Any private party in interest may bring a civil action in district court to
197 enforce the provisions of this section or any ordinance adopted under this section.

198 (b) In a civil action filed under Subsection ~~[(12)]~~ (17)(a), the court shall award costs
199 and attorney fees to the prevailing party.

200 ~~[(13)]~~ (18) Notwithstanding any provision of Title 63G, Chapter 2, Government
201 Records Access and Management Act, the county clerk shall:

202 (a) make each campaign finance statement filed by a candidate available for public
203 inspection and copying no later than one business day after the statement is filed; and

204 (b) make the campaign finance statement filed by a candidate available for public
205 inspection by:

206 (i) (A) posting an electronic copy or the contents of the statement on the county's
207 website no later than seven business days after the statement is filed; and

208 (B) verifying that the address of the county's website has been provided to the
209 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

210 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
211 website established by the lieutenant governor under Section 20A-11-103 no later than two

212 business days after the statement is filed.

213 Section 2. Section **20A-1-501** is amended to read:

214 **20A-1-501. Candidate vacancies -- Procedure for filling.**

215 (1) The state central committee of a political party, for candidates for United States
216 senator, United States representative, governor, lieutenant governor, attorney general, state
217 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
218 more than one county, and the county central committee of a political party, for all other party
219 candidates seeking an office elected at a regular general election, may certify the name of
220 another candidate to the appropriate election officer if:

221 (a) for a registered political party that will have a candidate on a ballot in a primary
222 election, after the close of the period for filing a declaration of candidacy and continuing
223 through the day before the day on which the lieutenant governor provides the list described in
224 Subsection [20A-9-403\(4\)\(a\)](#):

225 (i) only one or two candidates from that party have filed a declaration of candidacy for
226 that office; and

227 (ii) one or both:

228 (A) dies;

229 (B) resigns because of acquiring a physical or mental disability, certified by a
230 physician, that prevents the candidate from continuing the candidacy; or

231 (C) is disqualified by an election officer for improper filing or nominating procedures;

232 (b) for a registered political party that does not have a candidate on the ballot in a
233 primary, but that will have a candidate on the ballot for a general election, after the close of the
234 period for filing a declaration of candidacy and continuing through the day before the day on
235 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the
236 party's candidate:

237 (i) dies;

238 (ii) resigns because of acquiring a physical or mental disability as certified by a
239 physician;

240 (iii) is disqualified by an election officer for improper filing or nominating procedures;

241 or

242 (iv) resigns to become a candidate for president or vice president of the United States;

243 or

244 (c) for a registered political party with a candidate certified as winning a primary
245 election, after the deadline described in Subsection (1)(a) and continuing through the day
246 before that day on which the lieutenant governor makes the certification described in Section
247 [20A-5-409](#), the party's candidate:

248 (i) dies;

249 (ii) resigns because of acquiring a physical or mental disability as certified by a
250 physician;

251 (iii) is disqualified by an election officer for improper filing or nominating procedures;

252 or

253 (iv) resigns to become a candidate for president or vice president of the United States.

254 (2) If no more than two candidates from a political party have filed a declaration of
255 candidacy for an office elected at a regular general election and one resigns to become the party
256 candidate for another position, the state central committee of that political party, for candidates
257 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
258 legislative candidates whose legislative districts encompass more than one county, and the
259 county central committee of that political party, for all other party candidates, may certify the
260 name of another candidate to the appropriate election officer.

261 (3) Each replacement candidate shall file a declaration of candidacy as required by
262 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

263 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
264 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

265 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
266 described in Subsection (1)(b) may not appear on the general election ballot.

267 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
268 described in Subsection (1)(c) may not appear on the general election ballot.

269 (5) A political party may not replace a candidate who is disqualified for failure to
270 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and
271 Financial Reporting Requirements, or Section [17-16-6.5](#).

272 Section 3. Section **20A-9-101** is amended to read:

273 **20A-9-101. Definitions.**

274 As used in this chapter:

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

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

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

280 (ii) presidential elector;

281 (iii) any political party offices; and

282 (iv) municipal or local district offices.

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

285 (3) "Continuing political party" means the same as that term is defined in Section
286 20A-8-101.

287 (4) (a) "County office" means an elective office where the office holder is selected by
288 voters entirely within one county.

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

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

291 (ii) the office of presidential elector;

292 (iii) any political party offices;

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

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

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

297 (6) "Filing officer" means:

298 (a) the lieutenant governor, for:

299 (i) the office of United States Senator and United States Representative; and

300 (ii) all constitutional offices;

301 (b) the county clerk, for county offices and local school district offices, and the county
302 clerk in the filer's county of residence, for multicounty offices;

303 (c) the city or town clerk, for municipal offices; and

304 (d) the local district clerk, for local district offices.

- 305 (7) "Local district office" means an elected office in a local district.
- 306 (8) "Local government office" includes county offices, municipal offices, and local
307 district offices and other elective offices selected by the voters from a political division entirely
308 within one county.
- 309 (9) (a) "Multicounty office" means an elective office where the office holder is selected
310 by the voters from more than one county.
- 311 (b) "Multicounty office" does not mean:
- 312 (i) a county office;
- 313 (ii) a federal office;
- 314 (iii) the office of justice or judge of any court of record or not of record;
- 315 (iv) the office of presidential elector;
- 316 (v) any political party offices; and
- 317 (vi) any municipal or local district offices.
- 318 (10) "Municipal office" means an elective office in a municipality.
- 319 (11) (a) "Political division" means a geographic unit from which an office holder is
320 elected and that an office holder represents.
- 321 (b) "Political division" includes a county, a city, a town, a local district, a school
322 district, a legislative district, and a county prosecution district.
- 323 (12) "Qualified political party" means a registered political party that:
- 324 ~~[(a) permits voters who are unaffiliated with any political party to vote for the~~
325 ~~registered political party's candidates in a primary election;]~~
- 326 ~~[(b)]~~ (a) (i) permits a delegate for the registered political party to vote on a candidate
327 nomination in the registered political party's convention remotely; or
- 328 (ii) provides a procedure for designating an alternate delegate if a delegate is not
329 present at the registered political party's convention;
- 330 ~~[(c)]~~ (b) does not hold the registered political party's convention before the fourth
331 Saturday in March of an even-numbered year;
- 332 ~~[(d)]~~ (c) permits a member of the registered political party to seek the registered
333 political party's nomination for any elective office by the member choosing to seek the
334 nomination by either or both of the following methods:
- 335 (i) seeking the nomination through the registered political party's convention process,

336 in accordance with the provisions of Section 20A-9-407; or

337 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
338 of Section 20A-9-408; and

339 ~~(e)~~ (d) (i) if the registered political party is a continuing political party, no later than 5
340 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
341 election in the following year, the registered political party intends to nominate the registered
342 political party's candidates in accordance with the provisions of Section 20A-9-406; or

343 (ii) if the registered political party is not a continuing political party, certifies at the
344 time that the registered political party files the petition described in Section 20A-8-103 that, for
345 the next election, the registered political party intends to nominate the registered political
346 party's candidates in accordance with the provisions of Section 20A-9-406.

347 Section 4. Section 20A-9-406 is amended to read:

348 **20A-9-406. Qualified political party -- Requirements and exemptions.**

349 The following provisions apply to a qualified political party:

350 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each
351 even-numbered year, certify to the lieutenant governor the identity of one or more registered
352 political parties whose members may vote for the qualified political party's candidates and
353 whether unaffiliated voters may vote for the qualified political party's candidates;

354 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
355 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
356 political party;

357 (3) an individual may only seek the nomination of the qualified political party by using
358 a method described in Section 20A-9-407, Section 20A-9-408, or both;

359 (4) the qualified political party shall comply with the provisions of Sections
360 20A-9-407, 20A-9-408, and 20A-9-409;

361 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
362 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a
363 qualified political party:

364 (a) under the qualified political party's name and emblem, if any; or

365 (b) under the title of the qualified registered political party as designated by the
366 qualified political party in the certification described in Subsection (1), or, if none is

367 designated, then under some suitable title;

368 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
369 paper ballots in regular general elections, that each candidate who is nominated by the qualified
370 political party is listed by party;

371 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
372 the party designation of each candidate who is nominated by the qualified political party is
373 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

374 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
375 the party designation of each candidate who is nominated by the qualified political party is
376 displayed adjacent to the candidate's name on an electronic ballot;

377 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
378 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
379 20A-9-408 to run in a regular general election for a federal office, constitutional office,
380 multicounty office, or county office;

381 (10) an individual who is nominated by, or seeking the nomination of, the qualified
382 political party is not required to comply with Subsection 20A-9-201(1)(c);

383 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
384 to have each of the qualified political party's candidates for elective office appear on the
385 primary ballot of the qualified political party with an indication that each candidate is a
386 candidate for the qualified political party;

387 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
388 on the list provided by the lieutenant governor to the county clerks:

389 (a) the names of all candidates of the qualified political party for federal, constitutional,
390 multicounty, and county offices; and

391 (b) the names of unopposed candidates for elective office who have been nominated by
392 the qualified political party and instruct the county clerks to exclude such candidates from the
393 primary-election ballot;

394 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
395 elective office in the regular primary election of the qualified political party is nominated by
396 the party for that office without appearing on the primary ballot; and

397 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section

398 20A-9-405, the qualified political party is entitled to have the names of its candidates for
399 elective office featured with party affiliation on the ballot at a regular general election.

400 Section 5. Section 20A-11-103 is amended to read:

401 **20A-11-103. Notice of pending interim and summary reports -- Form of**
402 **submission -- Public availability -- Notice of reporting and filing requirements.**

403 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
404 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
405 the chief election officer shall inform the filing entity by electronic mail unless postal mail is
406 requested:

407 (i) that the financial statement is due;

408 (ii) of the date that the financial statement is due; and

409 (iii) of the penalty for failing to file the financial statement.

410 (b) The chief election officer is not required to provide notice:

411 (i) to a candidate or political party of the financial statement that is due before the
412 candidate's or political party's political convention;

413 (ii) of a financial statement due in connection with a public hearing for an initiative
414 under the requirements of Section 20A-7-204.1; or

415 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

416 (2) A filing entity shall electronically file a financial statement via electronic mail or
417 the Internet according to specifications established by the chief election officer.

418 (3) (a) A financial statement is considered timely filed if [it] the financial statement is
419 received by the chief election officer's office before [~~the close of regular office hours~~] midnight
420 on the date that [it] the financial statement is due.

421 (b) A chief election officer may extend the time in which a filing entity is required to
422 file a financial statement if a filing entity notifies the chief election officer of the existence of
423 an extenuating circumstance that is outside the control of the filing entity.

424 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
425 Access and Management Act, the lieutenant governor shall:

426 (a) make each campaign finance statement filed by a candidate available for public
427 inspection and copying no later than one business day after the statement is filed; and

428 (b) post an electronic copy or the contents of each financial statement in a searchable

429 format on a website established by the lieutenant governor:

430 (i) for campaign finance statements submitted to the lieutenant governor under the
431 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
432 the date of receipt of the campaign finance statement; or

433 (ii) for a summary report or interim report filed under the requirements of this chapter
434 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
435 date the summary report or interim report is electronically filed.

436 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
437 elects to provide campaign finance disclosure on its own website, rather than through the
438 lieutenant governor, the website established by the lieutenant governor shall contain a link or
439 other access point to the municipality or county website.

440 (6) Between January 1 and January 15 of each year, the chief election officer shall
441 provide notice, by postal mail or email, to each filing entity for which the chief election officer
442 has a physical or email address, of the reporting and filing requirements described in this
443 chapter.

444 Section 6. Section 20A-11-206 is amended to read:

445 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

446 (1) ~~[(a)]~~ A state office candidate who fails to file a financial statement ~~[by]~~ before the
447 deadline described in Subsection 20A-11-204(1)(b)(i) is subject to a fine imposed in
448 accordance with Section 20A-11-1005.

449 ~~[(b)]~~ (2) If a state office candidate fails to file an interim report described in
450 Subsections 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor shall ~~[, after making a~~
451 reasonable attempt to discover if the report was timely filed,]:

452 (a) within 24 hours after the deadline for filing the report, send an electronic notice to
453 the state office candidate and the political party of which the state office candidate is a
454 member, if any, that states:

455 (i) the date and time at which the notice is sent;

456 (ii) that the state office candidate failed to timely file the report; and

457 (iii) that, if the state office candidate fails to file the report within 24 hours after the
458 time described in Subsection (2)(a)(i), the state office candidate will be disqualified and the
459 political party will not be permitted to replace the candidate; and

460 (b) impose a fine of \$500 on the state office candidate.
461 (3) (a) (i) The lieutenant governor complies with Subsection (2)(a) by sending the
462 notice to an email address or phone number provided to the lieutenant governor by:
463 (A) the candidate, if one is provided by the candidate; and
464 (B) the political party, if one is provided by the political party.
465 (ii) The lieutenant governor is not required to comply with Subsection (2)(a) if no
466 email address or phone number is provided or if no accurate email address or phone number is
467 provided.
468 (b) The lieutenant governor shall disqualify a state office candidate and inform the
469 county clerk and other appropriate election officials that the state office candidate is
470 disqualified[-] if:
471 (i) the state office candidate fails to file an interim report described in Subsections
472 20A-11-204(1)(b)(ii) through (iv) within 24 hours after the lieutenant governor sends the notice
473 described in Subsection (2)(a); or
474 (ii) (A) the lieutenant governor is not provided with an accurate email address or phone
475 number by the state office candidate or the state office candidate's party; and
476 (B) the state office candidate fails to file an interim report described in Subsections
477 20A-11-204(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the report.
478 (c) The political party of a state office candidate who is disqualified under Subsection
479 (3)(b) may not replace the state office candidate.
480 ~~[(c) (i) The vacancy on the ballot resulting from the disqualification may be filled as~~
481 ~~provided in Section 20A-1-501.]~~
482 ~~[(ii)] (4) (a) If a state office candidate is disqualified under Subsection ~~[(1)(a)]~~ (3)(b),~~
483 ~~the election official shall:~~
484 ~~[(A)] (i) remove the state office candidate's name from the ballot; or~~
485 ~~[(B)] (ii) if removing the state office candidate's name from the ballot is not~~
486 ~~practicable, inform the voters by any practicable method that the state office candidate has been~~
487 ~~disqualified and that votes cast for the state office candidate will not be counted.~~
488 ~~[(iii)] (b) An election official may fulfill the requirement described in Subsection~~
489 ~~[(1)(c)(ii)(B)] (4)(a) in relation to an absentee voter, including a military or overseas absentee~~
490 ~~voter, by including with the absentee ballot a written notice directing the voter to a public~~

491 website that will inform the voter whether a candidate on the ballot is disqualified.

492 ~~[(d) Notwithstanding Subsections (1)(b) and (1)(c), a]~~

493 (5) A state office candidate is not disqualified if:

494 ~~[(i)]~~ (a) the state office candidate timely files the reports ~~[required by this section]~~

495 described in Subsections 20A-11-204(1)(b)(ii) through (iv) no later than ~~[the due date in~~

496 accordance with Section 20A-11-103] the applicable 24-hour period described in Subsection

497 (3)(b);

498 ~~[(ii)]~~ (b) the reports are completed, detailing accurately and completely the information

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

500 and

501 ~~[(iii)]~~ (c) the omissions, errors, or inaccuracies described in Subsection ~~[(1)(d)(ii)]~~

502 (5)(b) are corrected in~~[-(A)]~~ an amended report~~[:]~~ or ~~[(B)]~~ the next scheduled report.

503 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report, the
504 lieutenant governor shall review each filed summary report to ensure that:

505 (i) each state office candidate that is required to file a summary report has filed one;

506 and

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

508 (b) If it appears that any state office candidate has failed to file the summary report
509 required by law, if it appears that a filed summary report does not conform to the law, or if the
510 lieutenant governor has received a written complaint alleging a violation of the law or the
511 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
512 violation or receipt of a written complaint, notify the state office candidate of the violation or
513 written complaint and direct the state office candidate to file a summary report correcting the
514 problem.

515 (c) (i) It is unlawful for ~~[any]~~ a state office candidate to fail to file or amend a summary
516 report within seven days after receiving notice from the lieutenant governor ~~[under this section]~~
517 described in this Subsection (6).

518 (ii) Each state office candidate who violates Subsection ~~[(2)]~~ (6)(c)(i) is guilty of a
519 class B misdemeanor.

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

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

525 Section 7. Section **20A-11-305** is amended to read:

526 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

527 (1) [~~(a)~~] A legislative office candidate who fails to file a financial statement [~~by~~] before
528 the deadline described in Subsection 20A-11-303(1)(b)(i) is subject to a fine imposed in
529 accordance with Section 20A-11-1005.

530 [~~(b)~~] (2) If a legislative office candidate fails to file an interim report described in
531 Subsections 20A-11-303(1)(b)(ii) through (iv), the lieutenant governor shall [~~after making a~~
532 ~~reasonable attempt to discover if the report was timely filed;~~]:

533 (a) within 24 hours after the deadline for filing the report, send an electronic notice to
534 the legislative office candidate and the political party of which the legislative office candidate
535 is a member, if any, that states:

536 (i) the date and time at which the notice is sent;

537 (ii) that the legislative office candidate failed to timely file the report; and

538 (iii) that, if the legislative office candidate fails to file the report within 24 hours after
539 the time described in Subsection (2)(a)(i), the legislative office candidate will be disqualified
540 and the political party will not be permitted to replace the candidate; and

541 (b) impose a fine of \$500 on the legislative office candidate.

542 (3) (a) (i) The lieutenant governor complies with Subsection (2)(a) by sending the
543 notice to an email address or phone number provided to the lieutenant governor by:

544 (A) the legislative office candidate, if one is provided by the legislative office
545 candidate; and

546 (B) the political party, if one is provided by the political party.

547 (ii) The lieutenant governor is not required to comply with Subsection (2)(a) if no
548 email address or phone number is provided or if no accurate email address or phone number is
549 provided.

550 (b) The lieutenant governor shall disqualify a legislative office candidate and inform
551 the county clerk and other appropriate election officials that the legislative office candidate is
552 disqualified[-] if:

553 (i) the legislative office candidate fails to file an interim report described in
554 Subsections 20A-11-303(1)(b)(ii) through (iv) within 24 hours after the lieutenant governor
555 sends the notice described in Subsection (2)(a); or

556 (ii) (A) the lieutenant governor is not provided with an accurate email address or phone
557 number by the legislative office candidate or the legislative office candidate's party; and

558 (B) the legislative candidate fails to file an interim report described in Subsections
559 20A-11-303(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the report.

560 (c) The political party of a legislative office candidate who is disqualified under
561 Subsection (3)(b) may not replace the legislative office candidate.

562 ~~[(c) (i) The vacancy on the ballot resulting from the disqualification may be filled as~~
563 ~~provided in Section 20A-1-501.]~~

564 ~~[(ii) (4) (a) If a legislative office candidate is disqualified under Subsection [(1)(a)]~~
565 ~~(3)(b), the election officer shall:~~

566 ~~[(A)] (i) remove the legislative office candidate's name from the ballot; or~~

567 ~~[(B)] (ii) if removing the legislative office candidate's name from the ballot is not~~
568 ~~practicable, inform the voters by any practicable method that the legislative office candidate~~
569 ~~has been disqualified and that votes cast for the legislative office candidate will not be counted.~~

570 ~~[(d) Notwithstanding Subsections (1)(b) and (1)(c), a]~~

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

575 (5) A legislative office candidate is not disqualified if:

576 ~~[(i) (a) the legislative office candidate [timely] files the reports [required by this~~
577 ~~section] described in Subsections 20A-11-303(1)(b)(ii) through (iv) no later than [the due date~~
578 ~~in accordance with Section 20A-11-103] the applicable 24-hour period described in Subsection~~
579 ~~(3)(b);~~

580 ~~[(ii) (b) the reports are completed, detailing accurately and completely the information~~
581 ~~required by this part except for inadvertent omissions or insignificant errors or inaccuracies;~~
582 ~~and~~

583 ~~[(iii) (c) the omissions, errors, or inaccuracies described in Subsection [(1)(d)(ii)]~~

584 (5)(b) are corrected in~~[(A)]~~ an amended report~~[(B)]~~ or ~~[(B)]~~ the next scheduled report.

585 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report, the
586 lieutenant governor shall review each filed summary report to ensure that:

587 (i) each legislative office candidate that is required to file a summary report has filed
588 one; and

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

590 (b) If it appears that any legislative office candidate has failed to file the summary
591 report required by law, if it appears that a filed summary report does not conform to the law, or
592 if the lieutenant governor has received a written complaint alleging a violation of the law or the
593 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
594 violation or receipt of a written complaint, notify the legislative office candidate of the
595 violation or written complaint and direct the legislative office candidate to file a summary
596 report correcting the problem.

597 (c) (i) It is unlawful for ~~[any]~~ a legislative office candidate to fail to file or amend a
598 summary report within seven days after receiving notice from the lieutenant governor ~~[under~~
599 ~~this section]~~ described in this Subsection (6).

600 (ii) Each legislative office candidate who violates Subsection ~~[(2)]~~ (6)(c)(i) is guilty of
601 a class B misdemeanor.

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

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

607 Section 8. Section **20A-11-1005** is amended to read:

608 **20A-11-1005. Fines for failing to file a financial statement.**

609 (1) Except as provided in ~~[Subsections]~~ Subsection 20A-11-206(2)(b),
610 20A-11-305(2)(b), or 20A-11-512(1)(b) and (4), the chief election officer shall fine a filing
611 entity \$100 for failing to file a financial statement by the filing deadline.

612 (2) If a filing entity is unable to pay ~~[the]~~ a fine or files an affidavit of impecuniosity in
613 a manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine
614 against the candidate or treasurer, as appropriate.

615 (3) The chief election officer shall deposit fines collected under this chapter in the
616 General Fund.

617 Section 9. Section **20A-14-104** is amended to read:

618 **20A-14-104. Becoming a candidate for membership on the State Board of**
619 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

620 (1) (a) ~~[Persons]~~ An individual interested in becoming a candidate for the State Board
621 of Education shall:

622 (i) (A) for the 2016 general election, file a declaration of candidacy [~~according to~~], in
623 accordance with the procedures and requirements of Sections 20A-9-201 and 20A-9-202[~~;~~],
624 before 5 p.m. on March 17, 2016; or

625 (B) for a general election held after 2016, file a declaration of candidacy, in accordance
626 with the procedures and requirements of Sections 20A-9-201 and 20A-9-202, on or after the
627 second Friday in March, and before 5 p.m. on the third Thursday in March, before the next
628 regular general election; and

629 (ii) pay the filing fee described in Section 20A-9-202.

630 (b) By May 1 of the year in which a State Board of Education member's term expires,
631 the lieutenant governor shall submit the name of each person who has filed a declaration of
632 candidacy for the State Board of Education to the nominating and recruiting committee for the
633 State Board of Education.

634 (2) By November 1 of the year preceding each regular general election year, a
635 nominating and recruiting committee consisting of 12 members, each to serve a two-year term,
636 shall be appointed by the governor as follows:

637 (a) one member shall be appointed to represent each of the following business and
638 industry sectors:

639 (i) manufacturing and mining;

640 (ii) transportation and public utilities;

641 (iii) service, trade, and information technology;

642 (iv) finance, insurance, and real estate;

643 (v) construction; and

644 (vi) agriculture; and

645 (b) one member shall be appointed to represent each of the following education

646 sectors:

- 647 (i) teachers;
- 648 (ii) school administrators;
- 649 (iii) parents;
- 650 (iv) local school board members;
- 651 (v) charter schools; and
- 652 (vi) higher education.

653 (3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)
654 through (vi) shall be appointed from lists containing at least two names submitted by
655 organizations representing each of the respective sectors.

656 (b) At least one member of the nominating and recruiting committee shall reside within
657 each state board district in which a member's term expires during the committee's two-year
658 term of office.

659 (4) (a) The members shall elect one member to serve as chair for the committee.

660 (b) The chair, or another member of the committee designated by the chair, shall
661 schedule and convene all committee meetings.

662 (c) Any formal action by the committee requires the approval of a majority of
663 committee members.

664 (d) Members of the nominating and recruiting committee shall serve without
665 compensation, but they may be reimbursed for expenses incurred in the performance of their
666 official duties as established by the Division of Finance.

667 (5) The nominating and recruiting committee shall:

668 (a) recruit potential candidates for membership on the State Board of Education prior
669 to the deadline to file a declaration of candidacy;

670 (b) prepare a list of candidates for membership on the State Board of Education for
671 each state board district subject to election in that year using the qualifications under
672 Subsection (6);

673 (c) submit a list of at least three candidates for each state board position to the
674 governor by July 1; and

675 (d) ensure that the list includes appropriate background information on each candidate.

676 (6) The nominating committee shall select a broad variety of candidates who possess

677 outstanding professional qualifications relating to the powers and duties of the State Board of
678 Education, including experience in the following areas:

- 679 (a) business and industry administration;
680 (b) business and industry human resource management;
681 (c) business and industry finance;
682 (d) business and industry, including expertise in:
683 (i) metrics and evaluation;
684 (ii) manufacturing;
685 (iii) retailing;
686 (iv) natural resources;
687 (v) information technology;
688 (vi) construction;
689 (vii) banking;
690 (viii) science and engineering; and
691 (ix) medical and healthcare;
692 (e) higher education administration;
693 (f) applied technology education;
694 (g) public education administration;
695 (h) public education instruction;
696 (i) economic development;
697 (j) labor; and
698 (k) other life experiences that would benefit the State Board of Education.

699 Section 10. Section **20A-14-203** is amended to read:

700 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
701 **candidacy -- Election.**

702 (1) An individual may become a candidate for a local school board;

703 (a) (i) in the 2016 general election, by filing a declaration of candidacy with the county
704 clerk ~~[and]~~, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or

705 (ii) in a general election held after 2016, by filing a declaration of candidacy with the
706 county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in
707 March, before the next regular general election; and

708 (b) by paying the fee [~~as required by~~] described in Section 20A-9-202.

709 (2) (a) The term of office for an individual elected to a local board of education is four
710 years, beginning on the first Monday in January after the election.

711 (b) A member of a local board of education shall serve until a successor is elected or
712 appointed and qualified.

713 (c) A member of a local board of education is "qualified" when the member takes or
714 signs the constitutional oath of office.

715 Section 11. **Effective date.**

716 If approved by two-thirds of all the members elected to each house, this bill takes effect
717 upon approval by the governor, or the day following the constitutional time limit of Utah
718 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
719 the date of veto override.