

Representative Daniel McCay proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Curtis S. Bramble

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 a grace period when a candidate fails to file certain financial reports, before disqualifying the candidate;

▶ modifies provisions relating to when an unaffiliated candidate is required to file a financial report;

▶ modifies the deadline for filing a financial report;

▶ 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:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17-16-6.5**, as last amended by Laws of Utah 2015, Chapter 21

32 **20A-1-501**, as last amended by Laws of Utah 2014, Chapter 17

33 **20A-9-101**, as last amended by Laws of Utah 2015, Chapter 296

34 **20A-9-406**, as last amended by Laws of Utah 2015, Chapter 296

35 **20A-11-103**, as last amended by Laws of Utah 2014, Chapters 76 and 335

36 **20A-11-204**, as last amended by Laws of Utah 2015, Chapter 204

37 **20A-11-206**, as last amended by Laws of Utah 2015, Chapter 204

38 **20A-11-303**, as last amended by Laws of Utah 2015, Chapter 204

39 **20A-11-305**, as last amended by Laws of Utah 2015, Chapter 204

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

41 **20A-14-203**, as enacted by Laws of Utah 1995, Chapter 1



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

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

45 **17-16-6.5. Campaign financial disclosure in county elections.**

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

48 (i) candidates for county office; and

49 (ii) candidates for local school board office who reside in that county.

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

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

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

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

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

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

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

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

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

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

70 (B) an organization that is exempt from federal income taxation under Section
71 501(c)(3), Internal Revenue Code.

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

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

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

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

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

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

85 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
86 Subsection (1), candidates for county office, other than community council office, and
87 candidates for local school board office shall comply with the financial reporting requirements

88 contained in Subsections (3) through (8).

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

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

91 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 (ii) into which or from which a person who, as a candidate for an office, other than a

119 county office for which the person filed a declaration of candidacy or federal office, or as a
120 holder of an office, other than a county office for which the person filed a declaration of
121 candidacy or federal office, deposits a contribution or makes an expenditure.

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

124 (i) a contribution deposited in 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; or

127 (ii) an expenditure made from an account:

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

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

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

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

135 (b) an organization that is exempt from federal income taxation under Section
136 501(c)(3), Internal Revenue Code.

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

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

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

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

144 (ii) impose additional penalties.

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

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

149 (a) may send an electronic notice to the candidate and the political party of which the

150 candidate is a member, if any, that states:

151 (i) that the candidate failed to timely file the report; and

152 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
 153 filing the report, the candidate will be disqualified and the political party will not be permitted
 154 to replace the candidate; and

155 (b) impose a fine of \$100 on the candidate.

156 (12) (a) The county clerk shall disqualify a candidate and inform the appropriate
 157 election officials ~~[who: (i)-(A)]~~ that the candidate is disqualified if the candidate fails to file an
 158 interim report described in Subsection (11) within 24 hours after the deadline for filing the
 159 report.

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

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

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

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

168 ~~[(ii)]~~ (b) may not count any votes for that candidate.

169 ~~[(b) Notwithstanding Subsection (11)(a), a]~~

170 (14) An election official may fulfill the requirement described in Subsection ~~§~~→ [(14)]

170a (13) ←~~§~~ (a) in

171 relation to an absentee voter, including a military or overseas absentee voter, by including with
 172 the absentee ballot a written notice directing the voter to a public website that will inform the
 173 voter whether a candidate on the ballot is disqualified.

174 (15) A candidate is not disqualified if:

175 ~~[(i)]~~ (a) the candidate files the ~~[reports required by this section]~~ interim reports
 176 described in Subsection (11) no later than 24 hours after the applicable deadlines for filing the
 177 reports;

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

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

183 ~~[(e)]~~ (16) (a) A report is considered timely filed if:

184 (i) ~~[it]~~ the report is received in the county clerk's office no later than ~~[5 p.m. on the date~~
185 ~~that it]~~ midnight, Mountain Time, at the end of the day on which the report is due;

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

188 (iii) the candidate has proof that the report was mailed, with appropriate postage and
189 addressing, three days before the report was due.

190 (b) For a county clerk's office that is not open until midnight at the end of the day on
191 which a report is due, the county clerk shall permit a candidate to file the report via email or
192 another electronic means designated by the county clerk.

193 ~~[(12)]~~ (17) (a) Any private party in interest may bring a civil action in district court to
194 enforce the provisions of this section or any ordinance adopted under this section.

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

197 ~~[(13)]~~ (18) Notwithstanding any provision of Title 63G, Chapter 2, Government
198 Records Access and Management Act, the county clerk shall:

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

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

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

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

207 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
208 website established by the lieutenant governor under Section 20A-11-103 no later than two
209 business days after the statement is filed.

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

211 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

224 (ii) one or both:

225 (A) dies;

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

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

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

234 (i) dies;

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

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

238 or

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

240 or

241 (c) for a registered political party with a candidate certified as winning a primary
242 election, after the deadline described in Subsection (1)(a) and continuing through the day

243 before that day on which the lieutenant governor makes the certification described in Section
244 [20A-5-409](#), the party's candidate:

245 (i) dies;

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

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

249 or

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

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

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

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

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

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

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

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

270 **20A-9-101. Definitions.**

271 As used in this chapter:

272 (1) (a) "Candidates for elective office" means persons who file a declaration of
273 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,

274 constitutional office, multicounty office, or county office.

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

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

277 (ii) presidential elector;

278 (iii) any political party offices; and

279 (iv) municipal or local district offices.

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

282 (3) "Continuing political party" means the same as that term is defined in Section
283 [20A-8-101](#).

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

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

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

288 (ii) the office of presidential elector;

289 (iii) any political party offices;

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

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

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

294 (6) "Filing officer" means:

295 (a) the lieutenant governor, for:

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

297 (ii) all constitutional offices;

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

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

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

302 (7) "Local district office" means an elected office in a local district.

303 (8) "Local government office" includes county offices, municipal offices, and local

304 district offices and other elective offices selected by the voters from a political division entirely

305 within one county.

306 (9) (a) "Multicounty office" means an elective office where the office holder is selected
307 by the voters from more than one county.

308 (b) "Multicounty office" does not mean:

309 (i) a county office;

310 (ii) a federal office;

311 (iii) the office of justice or judge of any court of record or not of record;

312 (iv) the office of presidential elector;

313 (v) any political party offices; and

314 (vi) any municipal or local district offices.

315 (10) "Municipal office" means an elective office in a municipality.

316 (11) (a) "Political division" means a geographic unit from which an office holder is
317 elected and that an office holder represents.

318 (b) "Political division" includes a county, a city, a town, a local district, a school
319 district, a legislative district, and a county prosecution district.

320 (12) "Qualified political party" means a registered political party that:

321 ~~[(a) permits voters who are unaffiliated with any political party to vote for the~~
322 ~~registered political party's candidates in a primary election;]~~

323 ~~[(b)]~~ (a) (i) permits a delegate for the registered political party to vote on a candidate
324 nomination in the registered political party's convention remotely; or

325 (ii) provides a procedure for designating an alternate delegate if a delegate is not
326 present at the registered political party's convention;

327 ~~[(c)]~~ (b) does not hold the registered political party's convention before the fourth
328 Saturday in March of an even-numbered year;

329 ~~[(d)]~~ (c) permits a member of the registered political party to seek the registered
330 political party's nomination for any elective office by the member choosing to seek the
331 nomination by either or both of the following methods:

332 (i) seeking the nomination through the registered political party's convention process,
333 in accordance with the provisions of Section 20A-9-407; or

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

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

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

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

345 **20A-9-406. Qualified political party -- Requirements and exemptions.**

346 The following provisions apply to a qualified political party:

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

351 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
352 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
353 political party;

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

356 (4) the qualified political party shall comply with the provisions of Sections
357 20A-9-407, 20A-9-408, and 20A-9-409;

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

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

362 (b) under the title of the qualified registered political party as designated by the
363 qualified political party in the certification described in Subsection (1), or, if none is
364 designated, then under some suitable title;

365 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
366 paper ballots in regular general elections, that each candidate who is nominated by the qualified

367 political party is listed by party;

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

371 (8) notwithstanding Subsection 20A-6-304(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 displayed adjacent to the candidate's name on an electronic ballot;

374 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
375 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
376 20A-9-408 to run in a regular general election for a federal office, constitutional office,
377 multicounty office, or county office;

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

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

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

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

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

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

394 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
395 20A-9-405, the qualified political party is entitled to have the names of its candidates for
396 elective office featured with party affiliation on the ballot at a regular general election.

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

398 **20A-11-103. Notice of pending interim and summary reports -- Form of**
399 **submission -- Public availability -- Notice of reporting and filing requirements.**

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

404 (i) that the financial statement is due;
405 (ii) of the date that the financial statement is due; and
406 (iii) of the penalty for failing to file the financial statement.

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

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

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

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

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

415 (3) (a) A financial statement is considered timely filed if ~~[it]~~ the financial statement is
416 received by the chief election officer's office before [the close of regular office hours on the
417 date that it] midnight, Mountain Time, at the end of the day on which the financial statement is
418 due.

419 (b) For a county clerk's office that is not open until midnight at the end of the day on
420 which a financial statement is due, the county clerk shall permit a candidate to file the financial
421 statement via email or another electronic means designated by the county clerk.

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

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

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

429 (b) post an electronic copy or the contents of each financial statement in a searchable
430 format on a website established by the lieutenant governor:

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

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

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

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

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

446 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
447 **requirements -- Interim reports.**

448 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
449 account required under Subsection 20A-11-201(1)(a).

450 (b) Except as provided in Subsection (1)(c), each state office candidate shall file an
451 interim report at the following times in any year in which the candidate has filed a declaration
452 of candidacy for a public office:

453 (i) (A) seven days before the candidate's political convention; or

454 (B) for an unaffiliated candidate, the fourth Saturday in March;

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

456 (iii) September 30; and

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

458 (c) If a state office candidate is a state office candidate seeking appointment for a
459 midterm vacancy, the state office candidate:

460 (i) shall file an interim report:

461 (A) no later than seven days before the day on which the political party of the party for
462 which the state office candidate seeks nomination meets to declare a nominee for the governor
463 to appoint in accordance with Section 20A-1-504; or

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

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

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

472 (i) (A) seven days before the political convention for the political party of the state
473 office holder; or

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

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

476 (iii) September 30; and

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

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

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

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

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

484 (d) a detailed listing of each contribution and public service assistance received since
485 the last summary report that has not been reported in detail on a prior interim report;

486 (e) for each nonmonetary contribution:

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

489 (ii) a specific description of the contribution;

490 (f) a detailed listing of each expenditure made since the last summary report that has

491 not been reported in detail on a prior interim report;

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

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

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

497 (i) beginning balance;

498 (ii) total contributions during the period since the last statement;

499 (iii) total contributions to date;

500 (iv) total expenditures during the period since the last statement; and

501 (v) total expenditures to date; and

502 (j) the name of a political action committee for which the state office candidate or state
503 office holder is designated as an officer who has primary decision-making authority under
504 Section 20A-11-601.

505 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
506 single aggregate figure may be reported without separate detailed listings.

507 (b) Two or more contributions from the same source that have an aggregate total of
508 more than \$50 may not be reported in the aggregate, but shall be reported separately.

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

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

514 Section 7. Section 20A-11-206 is amended to read:

515 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

516 (1) ~~[(a)]~~ A state office candidate who fails to file a financial statement ~~[by]~~ before the
517 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

518 ~~[(b)]~~ (2) If a state office candidate fails to file an interim report described in
519 Subsections 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor ~~[shall, after making a~~
520 ~~reasonable attempt to discover if the report was timely filed,]~~ may send an electronic notice to
521 the state office candidate and the political party of which the state office candidate is a

522 member, if any, that states:

523 (a) that the state office candidate failed to timely file the report; and

524 (b) that, if the state office candidate fails to file the report within 24 hours after the
525 deadline for filing the report, the state office candidate will be disqualified and the political
526 party will not be permitted to replace the candidate.

527 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
528 county clerk and other appropriate election officials that the state office candidate is
529 disqualified[-] if the state office candidate fails to file an interim report described in
530 Subsections 20A-11-204(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the
531 report.

532 (b) The political party of a state office candidate who is disqualified under Subsection
533 (3)(a) may not replace the state office candidate.

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

536 ~~[(ii)] (4) (a) If a state office candidate is disqualified under Subsection [(1)(a)] (3)(a),~~
537 ~~the election official shall:~~

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

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

542 ~~[(iii)] (b) An election official may fulfill the requirement described in Subsection~~
543 ~~[(1)(c)(ii)(B)] (4)(a) in relation to an absentee voter, including a military or overseas absentee~~
544 ~~voter, by including with the absentee ballot a written notice directing the voter to a public~~
545 ~~website that will inform the voter whether a candidate on the ballot is disqualified.~~

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

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

548 ~~[(i)] (a) the state office candidate timely files the reports [required by this section]~~
549 ~~described in Subsections 20A-11-204(1)(b)(ii) through (iv) no later than [the due date in~~
550 ~~accordance with Section 20A-11-103] 24 hours after the applicable deadlines for filing the~~
551 ~~reports;~~

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

553 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
554 and

555 ~~[(iii)]~~ (c) the omissions, errors, or inaccuracies described in Subsection ~~[(1)(d)(ii)]~~
556 (5)(b) are corrected in ~~[-(A)]~~ an amended report~~[-]~~ or ~~[(B)]~~ the next scheduled report.

557 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report, the
558 lieutenant governor shall review each filed summary report to ensure that:

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

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

562 (b) If it appears that any state office candidate has failed to file the summary report
563 required by law, if it appears that a filed summary report does not conform to the law, or if the
564 lieutenant governor has received a written complaint alleging a violation of the law or the
565 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
566 violation or receipt of a written complaint, notify the state office candidate of the violation or
567 written complaint and direct the state office candidate to file a summary report correcting the
568 problem.

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

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

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

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

579 Section 8. Section **20A-11-303** is amended to read:

580 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
581 **reporting requirements -- Interim reports.**

582 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
583 account required under Subsection **20A-11-301(1)(a)(i)**.

584 (b) Except as provided in Subsection (1)(d), each legislative office candidate shall file
585 an interim report at the following times in any year in which the candidate has filed a
586 declaration of candidacy for a public office:

- 587 (i) (A) seven days before the candidate's political convention; or
588 (B) for an unaffiliated candidate, the fourth Saturday in March;
589 (ii) seven days before the regular primary election date;
590 (iii) September 30; and
591 (iv) seven days before the regular general election date.

592 (c) Each legislative office holder who has a campaign account that has not been
593 dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the
594 following times, regardless of whether an election for the legislative office holder's office is
595 held that year:

- 596 (i) (A) seven days before the political convention for the political party of the
597 legislative office holder; or
598 (B) for an unaffiliated legislative officeholder, the fourth Saturday in March;
599 (ii) seven days before the regular primary election date for that year;
600 (iii) September 30; and
601 (iv) seven days before the regular general election date.

602 (d) If a legislative office candidate is a legislative office candidate seeking appointment
603 for a midterm vacancy, the legislative office candidate:

604 (i) shall file an interim report:

605 (A) no later than seven days before the day on which the political party of the party for
606 which the legislative office candidate seeks nomination meets to declare a nominee for the
607 governor to appoint in accordance with Section 20A-1-503; or

608 (B) if a legislative office candidate decides to seek the appointment with less than
609 seven days before the party meets, or the political party schedules the meeting to declare a
610 nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day
611 of business before the day on which the party meets; and

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

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

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

- 615 (b) a single figure equal to the total amount of receipts reported on all prior interim
616 reports, if any, during the calendar year in which the interim report is due;
- 617 (c) a single figure equal to the total amount of expenditures reported on all prior
618 interim reports, if any, filed during the calendar year in which the interim report is due;
- 619 (d) a detailed listing of each contribution and public service assistance received since
620 the last summary report that has not been reported in detail on a prior interim report;
- 621 (e) for each nonmonetary contribution:
- 622 (i) the fair market value of the contribution with that information provided by the
623 contributor; and
- 624 (ii) a specific description of the contribution;
- 625 (f) a detailed listing of each expenditure made since the last summary report that has
626 not been reported in detail on a prior interim report;
- 627 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 628 (h) a net balance for the year consisting of the net balance from the last summary
629 report, if any, plus all receipts since the last summary report minus all expenditures since the
630 last summary report;
- 631 (i) a summary page in the form required by the lieutenant governor that identifies:
- 632 (i) beginning balance;
- 633 (ii) total contributions during the period since the last statement;
- 634 (iii) total contributions to date;
- 635 (iv) total expenditures during the period since the last statement; and
- 636 (v) total expenditures to date; and
- 637 (j) the name of a political action committee for which the legislative office candidate or
638 legislative office holder is designated as an officer who has primary decision-making authority
639 under Section [20A-11-601](#).
- 640 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
641 single aggregate figure may be reported without separate detailed listings.
- 642 (b) Two or more contributions from the same source that have an aggregate total of
643 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 644 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
645 as of five days before the required filing date of the report.

646 (b) Any negotiable instrument or check received by a legislative office candidate or
647 legislative office holder more than five days before the required filing date of a report required
648 by this section shall be included in the interim report.

649 Section 9. Section **20A-11-305** is amended to read:

650 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

651 (1) ~~[(a)]~~ A legislative office candidate who fails to file a financial statement ~~[by]~~ before
652 the deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

653 ~~[(b)]~~ (2) If a legislative office candidate fails to file an interim report described in
654 Subsections [20A-11-303](#)(1)(b)(ii) through (iv), the lieutenant governor ~~[shall, after making a~~
655 ~~reasonable attempt to discover if the report was timely filed;]~~ may send an electronic notice to
656 the legislative office candidate and the political party of which the legislative office candidate
657 is a member, if any, that states:

658 (a) that the legislative office candidate failed to timely file the report; and

659 (b) that, if the legislative office candidate fails to file the report within 24 hours after
660 the deadline for filing the report, the legislative office candidate will be disqualified and the
661 political party will not be permitted to replace the candidate.

662 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
663 inform the county clerk and other appropriate election officials that the legislative office
664 candidate is disqualified[;] if the legislative office candidate fails to file an interim report
665 described in Subsections [20A-11-303](#)(1)(b)(ii) through (iv) within 24 hours after the deadline
666 for filing the report.

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

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

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

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

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

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

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

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

683 ~~[(i)]~~ (a) the legislative office candidate [timely] files the reports [required by this
 684 section] described in Subsections 20A-11-303(1)(b)(ii) through (iv) no later than [the due date
 685 in accordance with Section 20A-11-103] 24 hours after the applicable deadlines for filing the
 686 reports;

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

690 ~~[(iii)]~~ (c) the omissions, errors, or inaccuracies described in Subsection ~~[(1)(d)(ii)]~~
 691 (5)(b) are corrected in ~~[-(A)]~~ an amended report~~[-];~~ or ~~[(B)]~~ the next scheduled report.

692 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report, the
 693 lieutenant governor shall review each filed summary report to ensure that:

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

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

697 (b) If it appears that any legislative office candidate has failed to file the summary
 698 report required by law, if it appears that a filed summary report does not conform to the law, or
 699 if the lieutenant governor has received a written complaint alleging a violation of the law or the
 700 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
 701 violation or receipt of a written complaint, notify the legislative office candidate of the
 702 violation or written complaint and direct the legislative office candidate to file a summary
 703 report correcting the problem.

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

707 (ii) Each legislative office candidate who violates Subsection ~~[(2)]~~ (6)(c)(i) is guilty of

708 a class B misdemeanor.

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

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

714 Section 10. Section **20A-14-104** is amended to read:

715 **20A-14-104. Becoming a candidate for membership on the State Board of**
716 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

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

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

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

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

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

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

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

736 (i) manufacturing and mining;

737 (ii) transportation and public utilities;

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

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

740 (v) construction; and

741 (vi) agriculture; and

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

743 sectors:

744 (i) teachers;

745 (ii) school administrators;

746 (iii) parents;

747 (iv) local school board members;

748 (v) charter schools; and

749 (vi) higher education.

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

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

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

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

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

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

764 (5) The nominating and recruiting committee shall:

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

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

- 770 (c) submit a list of at least three candidates for each state board position to the
771 governor by July 1; and
- 772 (d) ensure that the list includes appropriate background information on each candidate.
- 773 (6) The nominating committee shall select a broad variety of candidates who possess
774 outstanding professional qualifications relating to the powers and duties of the State Board of
775 Education, including experience in the following areas:
- 776 (a) business and industry administration;
 - 777 (b) business and industry human resource management;
 - 778 (c) business and industry finance;
 - 779 (d) business and industry, including expertise in:
 - 780 (i) metrics and evaluation;
 - 781 (ii) manufacturing;
 - 782 (iii) retailing;
 - 783 (iv) natural resources;
 - 784 (v) information technology;
 - 785 (vi) construction;
 - 786 (vii) banking;
 - 787 (viii) science and engineering; and
 - 788 (ix) medical and healthcare;
 - 789 (e) higher education administration;
 - 790 (f) applied technology education;
 - 791 (g) public education administration;
 - 792 (h) public education instruction;
 - 793 (i) economic development;
 - 794 (j) labor; and
 - 795 (k) other life experiences that would benefit the State Board of Education.

796 Section 11. Section **20A-14-203** is amended to read:

797 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
798 **candidacy -- Election.**

- 799 (1) An individual may become a candidate for a local school board:
- 800 (a) (i) in the 2016 general election, by filing a declaration of candidacy with the county

801 clerk ~~[and]~~, in accordance with Section [20A-9-202](#), before 5 p.m. on March 17, 2016; or

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

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

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

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

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

812 Section 12. **Effective date.**

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