

1                                   **STATE BOARD OF EDUCATION REVISIONS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Melissa G. Ballard**

5                                   Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends provisions relating to the State Board of Education.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ defines terms;
- 13           ▶ reduces the size and modifies the membership of the State Board of Education;
- 14           ▶ provides that members of the State Board of Education are appointed by the
- 15 governor, with the consent of the Senate;
- 16           ▶ addresses board member terms, removal, and vacancies;
- 17           ▶ provides for the transition from old board members to new board members;
- 18           ▶ removes the State Board of Education from provisions in the Election Code; and
- 19           ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26           **20A-1-404**, as last amended by Laws of Utah 2008, Chapter 13

27           **20A-1-504**, as last amended by Laws of Utah 2018, Chapter 19



28           **20A-6-305**, as last amended by Laws of Utah 2017, Chapter 275  
 29           **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11  
 30           **20A-11-101**, as last amended by Laws of Utah 2017, Chapter 452  
 31           **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320  
 32           **20A-11-403**, as last amended by Laws of Utah 2016, Chapter 28  
 33           **20A-11-1202**, as last amended by Laws of Utah 2017, Chapter 68  
 34           **53E-3-201**, as last amended by Laws of Utah 2018, Chapter 336 and renumbered and  
 35 amended by Laws of Utah 2018, Chapter 1

36 ENACTS:

37           **53E-3-102**, Utah Code Annotated 1953  
 38           **53E-3-205**, Utah Code Annotated 1953

39 REPEALS:

40           **20A-11-1301**, as last amended by Laws of Utah 2018, Chapter 83  
 41           **20A-11-1302**, as last amended by Laws of Utah 2016, Chapter 409  
 42           **20A-11-1303**, as last amended by Laws of Utah 2016, Chapters 28 and 409  
 43           **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355  
 44           **20A-11-1305**, as last amended by Laws of Utah 2018, Chapter 19  
 45           **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455  
 46           **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455  
 47           **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455  
 48           **20A-14-102.1**, as last amended by Laws of Utah 2018, Chapter 330  
 49           **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455  
 50           **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455  
 51           **20A-14-103**, as last amended by Laws of Utah 2018, Chapter 19  
 52           **20A-14-104.1**, as enacted by Laws of Utah 2016, Chapter 28



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

55           Section 1. Section **20A-1-404** is amended to read:

56           **20A-1-404. Election controversies.**

57           (1) (a) (i) Whenever any controversy occurs between any election officer or other  
 58 person or entity charged with any duty or function under this title and any candidate, or the

59 officers or representatives of any political party, or persons who have made nominations, either  
60 party to the controversy may file a verified petition with the district court.

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

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

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

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

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

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

70 (A) Section [10-3-208](#), regarding campaign finance statements in municipal elections;

71 (B) Section [17-16-6.5](#), regarding campaign finance statements for county offices;

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

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

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

77 (F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting  
78 Requirements;

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

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

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

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

85 [~~(K)~~] (J) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting  
86 Requirements for Judicial Retention Elections; and

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

89 (c) make and enter orders and judgments, and issue the process of the court to enforce

90 all of those orders and judgments.

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

92 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
93 **state auditor, or lieutenant governor.**

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

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

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

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

104 [~~(B) was elected at a partisan State Board of Education election, but is not a member of~~  
105 ~~a political party, by appointing, with the consent of the Senate, an individual who meets the~~  
106 ~~qualifications and residency requirements for filling the vacancy described in Section~~  
107 ~~[20A-14-103](#); or]~~

108 [~~(C) was elected at a partisan State Board of Education election, and is a member of a~~  
109 ~~political party, by appointing an individual who meets the qualifications for the office from~~  
110 ~~three persons nominated by the state central committee of the same political party as the prior~~  
111 ~~officeholder.]~~

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

115 Section 3. Section **20A-6-305** is amended to read:

116 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
117 **Publication -- Surname -- Exemptions -- Ballot order.**

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

- 121 (2) The lieutenant governor shall:
- 122 (a) within 30 days after the candidate filing deadline in each even-numbered year,
- 123 conduct a random selection to create a master ballot position list for all elections in accordance
- 124 with procedures established under Subsection (2)(c);
- 125 (b) publish the master ballot position list on the lieutenant governor's election website
- 126 no later than 15 days after creating the list; and
- 127 (c) establish written procedures for:
- 128 (i) the election official to use the master ballot position list; and
- 129 (ii) the lieutenant governor in:
- 130 (A) conducting the random selection in a fair manner; and
- 131 (B) providing a record of the random selection process used.
- 132 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
- 133 election officer shall use the master ballot position list for the current year to determine the
- 134 order in which to list candidates on the ballot for an election held during the year.
- 135 (4) To determine the order in which to list candidates on the ballot required under
- 136 Subsection (3), the election officer shall apply the randomized alphabet using:
- 137 (a) the candidate's surname;
- 138 (b) for candidates with a surname that has the same spelling, the candidate's given
- 139 name;
- 140 (c) the surname of the president and the surname of the governor for an election for the
- 141 offices of president and vice president and governor and lieutenant governor; and
- 142 (d) if the ballot provides for a ticket or a straight party ticket, the registered political
- 143 party name.
- 144 (5) Subsections (1) through (4) do not apply to:
- 145 (a) an election for an office for which only one candidate is listed on the ballot; or
- 146 (b) a judicial retention election under Section [20A-12-201](#).
- 147 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
- 148 appear separately, in the following order:
- 149 (a) a straight party ticket, where the voter may, with one mark, vote for all candidates
- 150 of one political party;
- 151 (b) for federal office:

- 152 (i) president and vice president of the United States;
- 153 (ii) United States Senate office; and
- 154 (iii) United States House of Representatives office;
- 155 (c) for state office:
- 156 (i) governor and lieutenant governor;
- 157 (ii) attorney general;
- 158 (iii) state auditor;
- 159 (iv) state treasurer;
- 160 (v) state Senate office; and
- 161 (vi) state House of Representatives office; [~~and~~]
- 162 [~~(vii) State Board of Education member;~~]
- 163 (d) for county office:
- 164 (i) county executive office;
- 165 (ii) county legislative body member;
- 166 (iii) county assessor;
- 167 (iv) county or district attorney;
- 168 (v) county auditor;
- 169 (vi) county clerk;
- 170 (vii) county recorder;
- 171 (viii) county sheriff;
- 172 (ix) county surveyor;
- 173 (x) county treasurer; and
- 174 (xi) local school board member;
- 175 (e) for municipal office:
- 176 (i) mayor; and
- 177 (ii) city or town council member;
- 178 (f) elected planning and service district council member;
- 179 (g) judicial retention questions; and
- 180 (h) ballot propositions not described in Subsection (6)(g).
- 181 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place
- 182 of the earliest ballot ticket position that is reserved for an office that is subsumed in the

183 combined office.

184 (b) Each ticket, other than a ticket described in Subsection (6)(g), shall list:

185 (i) each candidate in accordance with Subsections (1) through (4); and

186 (ii) except as otherwise provided in this title, the party name, initials, or title following  
187 each candidate's name.

188 Section 4. Section **20A-9-408** is amended to read:

189 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
190 **political party.**

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

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

198 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
199 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
200 nomination of the qualified political party for an elective office that is to be filled at the next  
201 general election shall:

202 (a) within the period beginning on January 1 before the next regular general election  
203 and ending on the third Thursday in March of the same year, and before gathering signatures  
204 under this section, file with the filing officer on a form approved by the lieutenant governor a  
205 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

213 (b) except as provided in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy,

214 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
215 the third Thursday in March before the next regular general election; and

216 (c) pay the filing fee.

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

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

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

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

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

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

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

231 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,  
232 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
233 the third Thursday in March before the next regular general election; and

234 (c) pay the filing fee.

235 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
236 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
237 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
238 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
239 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
240 running mate.

241 (6) The lieutenant governor shall ensure that the certification described in Subsection  
242 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
243 under this section.

244 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who



245 is nominated by a qualified political party under this section, designate the qualified political  
246 party that nominated the candidate.

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

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

250 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
251 period beginning on January 1 of an even-numbered year and ending 14 days before the day on  
252 which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

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

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

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

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

274 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
275 for the qualified political party's nomination for an elective office under this section, the

276 member shall:

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

279 (ii) submit the signatures to the election officer no later than 14 days before the day on  
280 which the qualified political party holds its convention to select candidates, for the elective  
281 office, for the qualified political party's nomination.

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

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

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

289 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
290 apply to a candidate for office in relation to the reporting requirements described in Subsection  
291 (9)(c)(i).

292 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
293 election officer shall, no later than one day before the day on which the qualified political party  
294 holds the convention to select a nominee for the elective office to which the signature packets  
295 relate:

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

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

300 (iii) determine whether each signer is a registered voter who is qualified to sign the  
301 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
302 on a petition;

303 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
304 signature packet; and

305 (v) notify the qualified political party and the lieutenant governor of the name of each  
306 member of the qualified political party who qualifies as a nominee of the qualified political

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

308 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
309 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
310 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
311 posts a declaration of candidacy.

312 Section 5. Section **20A-11-101** is amended to read:

313 **20A-11-101. Definitions.**

314 As used in this chapter:

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

317 (2) "Agent of a reporting entity" means:

318 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
319 entity;

320 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
321 reporting entity;

322 (c) the personal campaign committee of a candidate or officeholder;

323 (d) a member of the personal campaign committee of a candidate or officeholder in the  
324 member's capacity as a member of the personal campaign committee of the candidate or  
325 officeholder; or

326 (e) a political consultant of a reporting entity.

327 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
328 amendments, and any other ballot propositions submitted to the voters that are authorized by  
329 the Utah Code Annotated 1953.

330 (4) "Candidate" means any person who:

331 (a) files a declaration of candidacy for a public office; or

332 (b) receives contributions, makes expenditures, or gives consent for any other person to  
333 receive contributions or make expenditures to bring about the person's nomination or election  
334 to a public office.

335 (5) "Chief election officer" means:

336 (a) the lieutenant governor for state office candidates, legislative office candidates,  
337 officeholders, political parties, political action committees, corporations, political issues

338 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in  
339 Section 20A-11-1501; and

340 (b) the county clerk for local school board candidates.

341 (6) (a) "Contribution" means any of the following when done for political purposes:

342 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
343 value given to the filing entity;

344 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
345 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
346 anything of value to the filing entity;

347 (iii) any transfer of funds from another reporting entity to the filing entity;

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

350 (v) remuneration from:

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

352 or

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

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

355 (vii) in-kind contributions.

356 (b) "Contribution" does not include:

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

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

362 (iii) goods or services provided for the benefit of a candidate or political party at less  
363 than fair market value that are not authorized by or coordinated with the candidate or political  
364 party.

365 (7) "Coordinated with" means that goods or services provided for the benefit of a  
366 candidate or political party are provided:

367 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
368 party does not object;

369 (b) by agreement with the candidate or political party;  
370 (c) in coordination with the candidate or political party; or  
371 (d) using official logos, slogans, and similar elements belonging to a candidate or  
372 political party.

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

376 (i) the purpose of expressly advocating for political purposes; or  
377 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
378 proposition.

379 (b) "Corporation" does not mean:

380 (i) a business organization's political action committee or political issues committee; or  
381 (ii) a business entity organized as a partnership or a sole proprietorship.

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

385 (10) "County political party officer" means a person whose name is required to be  
386 submitted by a county political party to the lieutenant governor in accordance with Section  
387 [20A-8-402](#).

388 (11) "Detailed listing" means:

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

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

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

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

395 (b) for each expenditure:

396 (i) the amount of the expenditure;

397 (ii) the person or entity to whom it was disbursed;

398 (iii) the specific purpose, item, or service acquired by the expenditure; and

399 (iv) the date the expenditure was made.

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

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

405 (13) "Election" means each:

406 (a) regular general election;

407 (b) regular primary election; and

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

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

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

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

412 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
413 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
414 identified candidate's or judge's election date.

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

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

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

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

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

426 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
427 committee; or

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

430 (b) "Expenditure" does not include:

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

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

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

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

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

441 (18) "Financial statement" includes any summary report, interim report, verified  
442 financial statement, or other statement disclosing contributions, expenditures, receipts,  
443 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
444 Retention Elections.

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

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

451 (21) "Incorporation election" means the election authorized by Section 10-2a-210,  
452 10-2a-304, or 10-2a-404.

453 (22) "Incorporation petition" means a petition authorized by Section 10-2a-208 or  
454 10-2a-302.5.

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

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

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

460 (26) "Legislative office" means the office of state senator, state representative, speaker  
461 of the House of Representatives, president of the Senate, and the leader, whip, and assistant

462 whip of any party caucus in either house of the Legislature.

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

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

465 (b) declares oneself to be a candidate for, or actively campaigns for, the position of

466 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

467 assistant whip of any party caucus in either house of the Legislature; or

468 (c) receives contributions, makes expenditures, or gives consent for any other person to

469 receive contributions or make expenditures to bring about the person's nomination, election, or

470 appointment to a legislative office.

471 (28) "Major political party" means either of the two registered political parties that

472 have the greatest number of members elected to the two houses of the Legislature.

473 (29) "Officeholder" means a person who holds a public office.

474 (30) "Party committee" means any committee organized by or authorized by the

475 governing board of a registered political party.

476 (31) "Person" means both natural and legal persons, including individuals, business

477 organizations, personal campaign committees, party committees, political action committees,

478 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

479 (32) "Personal campaign committee" means the committee appointed by a candidate to

480 act for the candidate as provided in this chapter.

481 (33) "Personal use expenditure" has the same meaning as provided under Section

482 [20A-11-104](#).

483 (34) (a) "Political action committee" means an entity, or any group of individuals or

484 entities within or outside this state, a major purpose of which is to:

485 (i) solicit or receive contributions from any other person, group, or entity for political

486 purposes; or

487 (ii) make expenditures to expressly advocate for [~~any person~~] an individual to refrain

488 from voting or to vote for or against any candidate or person seeking election to a municipal or

489 county office.

490 (b) "Political action committee" includes groups affiliated with a registered political

491 party but not authorized or organized by the governing board of the registered political party

492 that receive contributions or makes expenditures for political purposes.



- 493 (c) "Political action committee" does not mean:
- 494 (i) a party committee;
- 495 (ii) any entity that provides goods or services to a candidate or committee in the regular  
496 course of its business at the same price that would be provided to the general public;
- 497 (iii) an individual;
- 498 (iv) individuals who are related and who make contributions from a joint checking  
499 account;
- 500 (v) a corporation, except a corporation a major purpose of which is to act as a political  
501 action committee; or
- 502 (vi) a personal campaign committee.
- 503 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
504 by another person on behalf of and with the knowledge of the reporting entity, to provide  
505 political advice to the reporting entity.
- 506 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
507 where the person:
- 508 (i) has already been paid, with money or other consideration;
- 509 (ii) expects to be paid in the future, with money or other consideration; or
- 510 (iii) understands that the person may, in the discretion of the reporting entity or another  
511 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
512 money or other consideration.
- 513 (36) "Political convention" means a county or state political convention held by a  
514 registered political party to select candidates.
- 515 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
516 entities within or outside this state, a major purpose of which is to:
- 517 (i) solicit or receive donations from any other person, group, or entity to assist in  
518 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
519 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 520 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
521 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
522 proposed ballot proposition or an incorporation in an incorporation election; or
- 523 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the

524 ballot or to assist in keeping a ballot proposition off the ballot.

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

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

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

529 (iii) an individual;

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

532 (v) a corporation, except a corporation a major purpose of which is to act as a political  
533 issues committee; or

534 (vi) a group of individuals who:

535 (A) associate together for the purpose of challenging or supporting a single ballot  
536 proposition, ordinance, or other governmental action by a county, city, town, local district,  
537 special service district, or other local political subdivision of the state;

538 (B) have a common liberty, property, or financial interest that is directly impacted by  
539 the ballot proposition, ordinance, or other governmental action;

540 (C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A),  
541 via a legal entity;

542 (D) do not receive funds for challenging or supporting the ballot proposition,  
543 ordinance, or other governmental action from a person other than an individual in the group;  
544 and

545 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
546 (37)(b)(vi)(A).

547 (38) (a) "Political issues contribution" means any of the following:

548 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
549 anything of value given to a political issues committee;

550 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
551 issues donation to influence the approval or defeat of any ballot proposition;

552 (iii) any transfer of funds received by a political issues committee from a reporting  
553 entity;

554 (iv) compensation paid by another reporting entity for personal services rendered

555 without charge to a political issues committee; and

556 (v) goods or services provided to or for the benefit of a political issues committee at  
557 less than fair market value.

558 (b) "Political issues contribution" does not include:

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

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

563 (39) (a) "Political issues expenditure" means any of the following when made by a  
564 political issues committee or on behalf of a political issues committee by an agent of the  
565 reporting entity:

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

568 (A) a ballot proposition; or

569 (B) an incorporation petition or incorporation election;

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

572 (A) a ballot proposition; or

573 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

585 (40) "Political purposes" means an act done with the intent or in a way to influence or

586 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
587 against any:

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

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

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

595 (b) "Poll" does not include:

596 (i) a ballot; or

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

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

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

600 (42) "Primary election" means any regular primary election held under the election  
601 laws.

602 (43) "Publicly identified class of individuals" means a group of 50 or more individuals  
603 sharing a common occupation, interest, or association that contribute to a political action  
604 committee or political issues committee and whose names can be obtained by contacting the  
605 political action committee or political issues committee upon whose financial statement the  
606 individuals are listed.

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

611 (45) (a) "Public service assistance" means the following when given or provided to an  
612 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
613 communicate with the officeholder's constituents:

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

616 (ii) goods or services provided at less than fair market value to or for the benefit of the

617 officeholder.

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

619 (i) anything provided by the state;

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

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

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

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

628 (46) "Receipts" means contributions and public service assistance.

629 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
630 Lobbyist Disclosure and Regulation Act.

631 (48) "Registered political action committee" means any political action committee that  
632 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
633 Governor.

634 (49) "Registered political issues committee" means any political issues committee that  
635 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
636 Governor.

637 (50) "Registered political party" means an organization of voters that:

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

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

643 (51) (a) "Remuneration" means a payment:

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

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

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

648 (i) the legislator's primary employer in the ordinary course of business; or  
649 (ii) a person or entity in the ordinary course of business:  
650 (A) because of the legislator's ownership interest in the entity; or  
651 (B) for services rendered by the legislator on behalf of the person or entity.  
652 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
653 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
654 action committee, a political issues committee, a corporation, or a labor organization, as  
655 defined in Section [20A-11-1501](#).

656 [~~(53)~~] "~~School board office~~" means the office of state school board.]

657 [~~(54)~~] (53) (a) "Source" means the person or entity that is the legal owner of the  
658 tangible or intangible asset that comprises the contribution.

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

662 [~~(55)~~] (54) "State office" means the offices of governor, lieutenant governor, attorney  
663 general, state auditor, and state treasurer.

664 [~~(56)~~] (55) "State office candidate" means a person who:

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

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

669 [~~(57)~~] (56) "Summary report" means the year end report containing the summary of a  
670 reporting entity's contributions and expenditures.

671 [~~(58)~~] (57) "Supervisory board" means the individual or group of individuals that  
672 allocate expenditures from a political issues committee.

673 Section 6. Section **20A-11-402** is amended to read:

674 **20A-11-402. Officeholder financial reporting requirements -- Termination of**  
675 **duty to report.**

676 (1) An officeholder is active and subject to reporting requirements until the  
677 officeholder has filed a statement of dissolution with the lieutenant governor stating that:

678 (a) the officeholder is no longer receiving contributions or public service assistance and

679 is no longer making expenditures;

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

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

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

686 (3) Each officeholder shall continue to file the year-end summary report required by  
687 Section 20A-11-401 until the statement of dissolution and final summary report required by  
688 this section are filed with the lieutenant governor.

689 (4) An officeholder may not use a contribution deposited in an account in accordance  
690 with this chapter for:

691 (a) a personal use expenditure; or

692 (b) an expenditure prohibited by law.

693 (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an  
694 officeholder may not expend or transfer the money in a campaign account in a manner that  
695 would cause the former officeholder to recognize the money as taxable income under federal  
696 tax law.

697 (b) A person who is no longer an officeholder may transfer the money in a campaign  
698 account in a manner that would cause the former officeholder to recognize the money as  
699 taxable income under federal tax law if the transfer is made to a campaign account for federal  
700 office.

701 Section 7. Section 20A-11-403 is amended to read:

702 **20A-11-403. Failure to file -- Penalties.**

703 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
704 governor shall review each filed summary report to ensure that:

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

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

707 (2) If it appears that any officeholder has failed to file the summary report required by  
708 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
709 governor has received a written complaint alleging a violation of the law or the falsity of any

710 summary report, the lieutenant governor shall, if the lieutenant governor determines that a  
711 violation has occurred:

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

713 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
714 the officeholder of the violation or written complaint and direct the officeholder to file a  
715 summary report correcting the problem.

716 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report  
717 within seven days after receiving notice from the lieutenant governor under this section.

718 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B  
719 misdemeanor.

720 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the  
721 attorney general.

722 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
723 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
724 (3)(a).

725 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder  
726 under Subsection 20A-11-204(1)(c)[;] or 20A-11-303(1)(c), [~~or 20A-11-1303(1)(d);~~] the  
727 lieutenant governor shall review each filed interim report to ensure that each interim report  
728 contains the information required for the report.

729 (5) If it appears that any officeholder has failed to file an interim report required by  
730 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant  
731 governor has received a written complaint alleging a violation of the law or the falsity of any  
732 interim report, the lieutenant governor shall, if the lieutenant governor determines that a  
733 violation has occurred:

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

735 (b) within five days after the day on which the violation is discovered or a written  
736 complaint is received, notify the officeholder of the violation or written complaint and direct  
737 the officeholder to file an interim report correcting the problem.

738 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report  
739 within seven days after the day on which the officeholder receives notice from the lieutenant  
740 governor under this section.



741 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B  
742 misdemeanor.

743 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the  
744 attorney general.

745 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant  
746 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
747 (6)(a).

748 Section 8. Section **20A-11-1202** is amended to read:

749 **20A-11-1202. Definitions.**

750 As used in this part:

751 (1) "Applicable election officer" means:

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

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

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

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

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

762 (b) an express, legally enforceable contract, promise, or agreement to make a gift,  
763 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything  
764 of value to a filing entity;

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

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

768 (e) remuneration from:

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

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

772 (f) an in-kind contribution.

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

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

777 (i) government appropriations;

778 (ii) taxes;

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

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

781 (5) "Expenditure" means:

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

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

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

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

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

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

794 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation  
795 agency that receives some or all of its revenues from:

796 (a) government appropriations;

797 (b) taxes;

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

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

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

801 (b) "Influence" does not mean providing a brief statement about a public entity's  
802 position on a ballot proposition and the reason for that position.

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

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

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

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

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

814 (12) (a) "Public entity" includes the state, each state agency, each county, municipality,  
815 school district, local district, governmental interlocal cooperation agency, and each  
816 administrative subunit of each of them.

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

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

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

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

824 (14) (a) "Public official" means an elected or appointed member of government with  
825 authority to make or determine public policy.

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

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

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

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

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

833 (b) "State agency" includes the legislative branch, the State Board of Education, the

834 Board of Regents, the institutional councils of each higher education institution, and each  
835 higher education institution.

836 Section 9. Section **53E-3-102** is enacted to read:

837 **53E-3-102. Definitions.**

838 As used in this part, "board" means the State Board of Education.

839 Section 10. Section **53E-3-201** is amended to read:

840 **53E-3-201. State Board of Education members -- Selection or removal of officers.**

841 (1) Members of the State Board of Education [~~shall be nominated and elected~~] are  
842 appointed as provided in [~~Title 20A, Chapter 14, Nomination and Election of State and Local~~  
843 ~~School Boards~~] Section 53E-3-205.

844 (2) The State Board of Education shall elect from [~~its~~] among the board's members a  
845 chair[~~, and at least one~~] and a vice chair[~~, but no more than three vice chairs,~~] every other year  
846 at a meeting held [~~any time between November 15 and~~] no sooner than January 1 and no later  
847 than January 15.

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

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

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

854 [~~(5)~~] (3) The board shall appoint a secretary who serves at the pleasure of the board.

855 [~~(6) An officer appointed or elected by the board under this section may be removed~~  
856 ~~from office]~~

857 (4) The board may remove an individual from the position of chair, vice chair, or  
858 secretary for cause by a vote of two-thirds of the board.

859 (5) The board may, by majority vote, select an individual to replace an individual  
860 removed from a position described in Subsection (4).

861 Section 11. Section **53E-3-205** is enacted to read:

862 **53E-3-205. State Board of Education -- Transition -- Selection of members --**  
863 **Terms -- Vacancies -- Removal.**

864 (1) (a) A member of the board, as constituted on January 1, 2021, may continue to

865 serve on the board until the member's term ends.

866 (b) When the number of board members drops below nine, the governor shall appoint a  
867 board member, with the consent of the Senate and in accordance with Subsection (2), to bring  
868 the number of board members to nine.

869 (c) The governor shall continue to appoint board members under Subsection (1)(b)  
870 until the board consists of the members described in Subsection (2), in the following order:

871 (i) first, the member described in Subsection (2)(a);

872 (ii) second, the members described in Subsection (2)(b); and

873 (iii) third, the members described in Subsection (2)(c).

874 (2) At the completion of the transition process described in Subsection (1), the State  
875 Board of Education will consist of nine members, appointed by the governor with the consent  
876 of the Senate, as follows:

877 (a) one member representing charter schools;

878 (b) four at-large members; and

879 (c) four members, each representing one of the four congressional districts.

880 (3) (a) Except as provided in Subsection (3)(b), the term of a board member described  
881 in Subsection (2) is six years.

882 (b) The governor may reduce the initial term of a board member described in  
883 Subsection (2) to ensure that the term for three members of the board begins every two years.

884 (c) Except as provided in Subsection (3)(d), an individual may not serve more than two  
885 consecutive six-year terms on the board.

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

888 (4) A board member may not, during the member's term of office, also serve as an  
889 employee of the State Board of Education or as a member of a local school board.

890 (5) If, after the board consists of the nine members described in Subsection (2), a  
891 vacancy occurs in the office of State Board of Education member before the end of the  
892 member's term, the governor shall:

893 (a) with the consent of the Senate, appoint an individual to fill the vacancy with an  
894 individual who meets the same requirements described in Subsection (2) as the individual  
895 being replaced; and

896 (b) appoint the individual who fills the vacancy to fill the remainder of the term of the  
897 individual being replaced.

898 (6) The governor may, with the consent of the Senate, remove a member of the board  
899 for cause.

900 Section 12. **Repealer.**

901 This bill repeals:

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

905 Section **20A-11-1302**, School board office candidate -- Financial reporting  
906 requirements -- Year-end summary report.

907 Section **20A-11-1303**, School board office candidate and school board officeholder  
908 -- Financial reporting requirements -- Interim reports.

909 Section **20A-11-1304**, School board office candidate -- Financial reporting  
910 requirements -- Termination of duty to report.

911 Section **20A-11-1305**, School board office candidate -- Failure to file statement --  
912 Penalties.

913 Section **20A-14-101.1**, Definitions.

914 Section **20A-14-101.5**, State Board of Education -- Number of members -- State  
915 Board of Education district boundaries.

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

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

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

919 Section **20A-14-102.3**, County clerk, Automated Geographic Reference Center,  
920 and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

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

922 Section **20A-14-104.1**, State Board of Education -- Declaration of candidacy.

923 Section 13. **Contingent effective date.**

924 This bill takes effect on January 1, 2021, if the amendment to the Utah Constitution  
925 proposed by H.J.R. 13, Proposal to Amend Utah Constitution - State Board of Education, 2019  
926 General Session, passes the Legislature and is approved by a majority of those voting on the

927 proposed amendment at the 2020 regular general election.