

**STATE BOARD OF EDUCATION MEMBERSHIP**

**AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

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

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**LONG TITLE**

**General Description:**

This bill provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment.

**Highlighted Provisions:**

This bill:

- ▶ provides for partisan election of the members of the State Board of Education and provides for appointment of the members of the State Board of Education if the voters pass a constitutional amendment permitting appointment;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ modifies the reporting requirements of state board office candidates and officeholders;
- ▶ reverses the modifications described in the preceding paragraph if the voters pass a constitutional amendment permitting appointment of members of the State Board of Education;
- ▶ beginning on January 1, 2023, reduces the number of State Board of Education members; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill provides substantive revisor instructions.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

34 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

35 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

36 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

37 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

38 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337

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

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

41 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162

42 REPEALS:

43 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last  
44 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

45 **Utah Code Sections Affected by Revisor Instructions:**

46 **20A-1-201**, as last amended by Laws of Utah 2014, Chapter 362

47 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

48 **20A-1-504**, as last amended by Laws of Utah 2010, Chapter 197

49 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1

50 **20A-2-101.5**, as last amended by Laws of Utah 2013, Chapter 263

51 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

52 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

53 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

54 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320

55 **20A-11-403**, as last amended by Laws of Utah 2013, Chapter 420

56 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

57 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

58 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

- 59            **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 60            **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
- 61            **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18
- 62            **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 63            **20A-14-101.5**, as last amended by Laws of Utah 2013, Chapter 455
- 64            **20A-14-102**, as last amended by Laws of Utah 2013, Chapter 455
- 65            **20A-14-102.1**, as last amended by Laws of Utah 2013, Chapter 455
- 66            **20A-14-102.2**, as last amended by Laws of Utah 2013, Chapter 455
- 67            **20A-14-102.3**, as last amended by Laws of Utah 2013, Chapter 455
- 68            **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 69            **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 70            **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1
- 71            **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 72            **53A-1-109**, Utah Code Annotated 1953
- 73            **53A-1-201**, as last amended by Laws of Utah 2013, Chapter 111
- 74            **53A-1-301**, as last amended by Laws of Utah 2012, Chapter 425

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

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

78            **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
79            **state auditor, and lieutenant governor.**

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

83            (b) The governor shall fill the vacancy until the next regular general election by  
84            appointing a person who meets the qualifications for the office from three persons nominated  
85            by the state central committee of the same political party as the prior officeholder.

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

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

90 not a member of a political party, the governor shall fill the vacancy, with the consent of the  
91 Senate, by selecting an individual who meets the qualifications and residency requirements for  
92 filling the vacancy.

93 Section 2. Section **20A-9-408** is amended to read:

94 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

98 (2) Notwithstanding Subsection **20A-9-201(4)(a)**, the form of the declaration of  
99 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
100 the nomination of, the qualified political party under this section shall be substantially as  
101 follows:

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

103 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
104 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
105 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
106 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
107 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
108 as required by law; and I understand that failure to do so will result in my disqualification as a  
109 candidate for this office and removal of my name from the ballot. The mailing address that I  
110 designate for receiving official election notices is

111 \_\_\_\_\_  
112 \_\_\_\_\_.

113 Subscribed and sworn before me this \_\_\_\_\_(month\day\year). Notary Public (or  
114 other officer qualified to administer oath)."

115 (3) Notwithstanding Subsection **20A-9-202(1)(a)**, and except as provided in Subsection  
116 **20A-9-202(4)**, a member of a qualified political party who, under this section, is seeking the  
117 nomination of the qualified political party for an elective office that is to be filled at the next  
118 general election shall:

119 (a) within the period beginning on January 1 before the next regular general election  
120 and ending on the third Thursday in March of the same year, and before gathering signatures

121 under this section, file with the filing officer on a form approved by the lieutenant governor a  
122 notice of intent to gather signatures for candidacy that includes:

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

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

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

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

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

130 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
131 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
132 regular general election; and

133 (c) pay the filing fee.

134 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political  
135 party who, under this section, is seeking the nomination of the qualified political party for the  
136 office of district attorney within a multicounty prosecution district that is to be filled at the next  
137 general election shall:

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

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

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

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

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

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

148 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
149 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
150 regular general election; and

151 (c) pay the filing fee.

152 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
153 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
154 political party, under this section, for the office of governor shall submit a letter from the  
155 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
156 mate.

157 (6) The lieutenant governor shall ensure that the certification described in Subsection  
158 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
159 under this section.

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

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

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

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

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

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

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

179 (iv) for a state House district race, 1,000 signatures of registered voters who are  
180 residents of the state House district and are permitted by the qualified political party to vote for  
181 the qualified political party's candidates in a primary election; [~~and~~]

182 (v) for a State Board of Education race, 4,000 signatures of registered voters who are

183 residents of the State Board of Education district and are permitted by the qualified political  
184 party to vote for the qualified political party's candidates in a primary election; and

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

188 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
189 for the qualified political party's nomination for an elective office under this section, the  
190 member shall:

191 (i) collect the signatures on a form approved by the lieutenant governor's office, using  
192 the same circulation and verification requirements described in Sections 20A-7-304 and  
193 20A-7-305; and

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

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

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

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

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

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

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

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

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

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

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

220 (v) notify the qualified political party and the lieutenant governor of the name of each  
221 member of the qualified political party who qualifies as a nominee of the qualified political  
222 party, under this section, for the elective office to which the convention relates.

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

227 Section 3. Section **20A-11-403** is amended to read:

228 **20A-11-403. Failure to file -- Penalties.**

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

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

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

233 (2) If it appears that any officeholder has failed to file the summary report required by  
234 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
235 governor has received a written complaint alleging a violation of the law or the falsity of any  
236 summary report, the lieutenant governor shall, if the lieutenant governor determines that a  
237 violation has occurred:

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

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

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

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



245 misdemeanor.

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

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

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

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

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

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

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

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

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

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

274 Section 4. Section 20A-11-1301 is amended to read:

275 **20A-11-1301. School board office candidate -- Campaign finance requirements --**

276 **Candidate as a political action committee officer -- No personal use -- Contribution**  
277 **reporting deadline -- Report other accounts.**

278 (1) (a) (i) Each school board office candidate shall deposit each contribution and public  
279 service assistance received in one or more separate accounts in a financial institution that are  
280 dedicated only to that purpose.

281 (ii) A school board office candidate may:

282 (A) receive a contribution or public service assistance from a political action  
283 committee registered under Section 20A-11-601; and

284 (B) be designated by a political action committee as an officer who has primary  
285 decision-making authority as described in Section 20A-11-601.

286 (b) A school board office candidate may not use money deposited in an account  
287 described in Subsection (1)(a)(i) for:

288 (i) a personal use expenditure; or

289 (ii) an expenditure prohibited by law.

290 (2) A school board office candidate may not deposit or mingle any contributions or  
291 public service assistance received into a personal or business account.

292 (3) A school board office candidate may not make any political expenditures prohibited  
293 by law.

294 (4) If a person who is no longer a school board office candidate chooses not to expend  
295 the money remaining in a campaign account, the person shall continue to file the year-end  
296 summary report required by Section 20A-11-1302 until the statement of dissolution and final  
297 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

298 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who  
299 is no longer a school board office candidate may not expend or transfer the money in a  
300 campaign account in a manner that would cause the former school board office candidate to  
301 recognize the money as taxable income under federal tax law.

302 (b) A person who is no longer a school board office candidate may transfer the money  
303 in a campaign account in a manner that would cause the former school board office candidate  
304 to recognize the money as taxable income under federal tax law if the transfer is made to a  
305 campaign account for federal office.

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

307 means the same as that term is defined in Subsection [20A-11-1303\(1\)\(a\)](#).

308  ~~[(i) for a cash contribution, that the cash is given to a school board office candidate or a~~  
309  ~~member of the candidate's personal campaign committee;]~~

310  ~~[(ii) for a contribution that is a negotiable instrument or check, that the negotiable~~  
311  ~~instrument or check is negotiated; and]~~

312  ~~[(iii) for any other type of contribution, that any portion of the contribution's benefit~~  
313  ~~inures to the school board office candidate.]~~

314 (b) Each school board office candidate shall report to the chief election officer each  
315 contribution and public service assistance received by the school board office candidate:

316 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which  
317 the contribution or public service assistance is received; or

318 (ii) within three business days after the day on which the contribution or public service  
319 assistance is received, if:

320 (A) the school board office candidate is contested in a primary election and the  
321 contribution or public service assistance is received within 30 days before the day on which the  
322 primary election is held; or

323 (B) the school board office candidate is contested in a general election and the  
324 contribution or public service assistance is received within 30 days before the day on which the  
325 general election is held.

326 (c) Except as provided in Subsection (6)(d), for each contribution or provision of  
327 public service assistance that a school board office candidate fails to report within the time  
328 period described in Subsection (6)(b), the chief election officer shall impose a fine against the  
329 school board office candidate in an amount equal to:

330 (i) the greater of \$50 or 15% of the amount of the contribution; or

331 (ii) the greater of \$50 or 15% of the value of the public service assistance.

332 (d) A fine described in Subsection (6)(c) may not exceed the amount of the  
333 contribution or the value of the public service assistance to which the fine relates.

334 (e) The chief election officer shall:

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

336 (ii) report on the chief election officer's website, in the location where reports relating  
337 to each school board office candidate are available for public access:

338 (A) each fine imposed by the chief election officer against the school board office  
339 candidate;

340 (B) the amount of the fine;

341 (C) the amount of the contribution to which the fine relates; and

342 (D) the date of the contribution.

343 (7) (a) As used in this Subsection (7), "account" means an account in a financial  
344 institution:

345 (i) that is not described in Subsection (1)(a)(i); and

346 (ii) into which or from which a person who, as a candidate for an office, other than a  
347 school board office for which the person files a declaration of candidacy or federal office, or as  
348 a holder of an office, other than a school board office for which the person files a declaration of  
349 candidacy or federal office, deposits a contribution or makes an expenditure.

350 (b) A school board office candidate shall include on any financial statement filed in  
351 accordance with this part:

352 (i) a contribution deposited in an account:

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

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

355 (ii) an expenditure made from an account:

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

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

358 Section 5. Section 20A-11-1303 is amended to read:

359 **20A-11-1303. School board office candidate and school board officeholder --**

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

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

362 (i) for a cash contribution, that the cash is given to a school board office candidate or a  
363 member of the school board office candidate's personal campaign committee;

364 (ii) for a contribution that is a check or other negotiable instrument, that the check or  
365 other negotiable instrument is negotiated; and

366 (iii) for any other type of contribution, that any portion of the contribution's benefit  
367 inures to the school board office candidate.

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

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

370 ~~[(b)]~~ (c) Each school board office candidate shall file an interim report at the following  
371 times in any year in which the candidate has filed a declaration of candidacy for a public office:

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

373 (i) (A) seven days before the school board office candidate's political convention; or

374 (B) May 15, if the school board office candidate does not affiliate with a political  
375 party;

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

377 (iii) August 31; and

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

379 ~~[(e)]~~ (d) Each school board ~~[office holder]~~ officeholder who has a campaign account  
380 that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim  
381 report at the following times, regardless of whether an election for the school board office  
382 holder's office is held that year:

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

384 (i) (A) seven days before the political convention for the political party of the school  
385 board officeholder; or

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

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

388 (iii) August 31; and

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

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

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

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

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

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

398 (e) for each nonmonetary contribution:

399 (i) the fair market value of the contribution with that information provided by the

400 contributor; and

401 (ii) a specific description of the contribution;

402 (f) a detailed listing of each expenditure made since the last summary report that has  
403 not been reported in detail on a prior interim report;

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

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

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

409 (i) beginning balance;

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

411 (iii) total contributions to date;

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

413 (v) total expenditures to date; and

414 (j) the name of a political action committee for which the school board office candidate  
415 or school board office holder is designated as an officer who has primary decision-making  
416 authority under Section [20A-11-601](#).

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

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

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

423 (b) Any negotiable instrument or check received by a school board office candidate or  
424 school board office holder more than five days before the required filing date of a report  
425 required by this section shall be included in the interim report.

426 Section 6. Section **20A-11-1305** is amended to read:

427 **20A-11-1305. School board office candidate -- Failure to file statement --**

428 **Penalties.**

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

431 (b) If a school board office candidate fails to file an interim report due before the  
432 regular primary election, on August 31, or before the regular general election, the chief election  
433 officer shall, after making a reasonable attempt to discover if the report was timely filed,  
434 inform the county clerk and other appropriate election officials who:

435 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before  
436 the ballots are delivered to voters; or

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

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

441 (c) Any school board office candidate who fails to file timely a financial statement  
442 required by Subsection 20A-11-1303(1)[(b)(ii), (iii), or (iv)](c) is disqualified.

443 (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is  
444 not disqualified and the chief election officer may not impose a fine if:

445 (i) the candidate timely files the reports required by this section in accordance with  
446 Section 20A-11-103;

447 (ii) those reports are completed, detailing accurately and completely the information  
448 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
449 and

450 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are  
451 corrected in:

452 (A) an amended report; or

453 (B) the next scheduled report.

454 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school  
455 board office candidate, the lieutenant governor shall review each filed summary report to  
456 ensure that:

457 (i) each school board office candidate that is required to file a summary report has filed  
458 one; and

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

460 (b) If it appears that a school board office candidate has failed to file the summary  
461 report required by law, if it appears that a filed summary report does not conform to the law, or

462 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
 463 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
 464 violation or receipt of a written complaint, notify the school board office candidate of the  
 465 violation or written complaint and direct the school board office candidate to file a summary  
 466 report correcting the problem.

467 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a  
 468 summary report within seven days after receiving notice from the lieutenant governor under  
 469 this section.

470 (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a  
 471 class B misdemeanor.

472 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
 473 attorney general.

474 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant  
 475 governor shall impose a civil fine of \$100 against a school board office candidate who violates  
 476 Subsection (2)(c)(i).

477 Section 7. Section **20A-14-103** is amended to read:

478 **20A-14-103. State Board of Education members -- When elected -- Qualifications**  
 479 **-- Avoiding conflicts of interest.**

480 (1) ~~[(a)]~~ Unless otherwise provided by law, each State Board of Education member  
 481 elected from a State Board of Education district at ~~[the 2010]~~ or before the 2014 general  
 482 election shall ~~[-(i)]~~ serve out the term of office for which that member was elected ~~[-and]~~.

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

484 ~~[(b) At the general election to be held in 2012, a State Board of Education member~~  
 485 ~~elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected~~  
 486 ~~to serve a term of office of four years.]~~

487 ~~[(c) In order to ensure that the terms of approximately half of the State Board of~~  
 488 ~~Education members expire every two years:]~~

489 ~~[(i) at the general election to be held in 2012, the State Board of Education member~~  
 490 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~  
 491 ~~two years; and]~~

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



493 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~  
494 ~~four years.]~~

495 (2) (a) A person seeking election to the State Board of Education shall have been a  
496 resident of the State Board of Education district in which the person is seeking election for at  
497 least one year as of the date of the election.

498 (b) A person who has resided within the State Board of Education district, as the  
499 boundaries of the district exist on the date of the election, for one year immediately preceding  
500 the date of the election shall be considered to have met the requirements of this Subsection (2).

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

502 (a) be and remain a registered voter in the State Board of Education district from which  
503 the member was elected or appointed; and

504 (b) maintain the member's primary residence within the State Board of Education  
505 district from which the member was elected or appointed during the member's term of office.

506 (4) A State Board of Education member may not, during the member's term of office,  
507 also serve as an employee of:

508 (a) the State Board of Education;

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

510 (c) the Utah State Office of Rehabilitation.

511 Section 8. Section **20A-14-104** is amended to read:

512 **20A-14-104. Becoming a candidate for membership on the State Board of**  
513 **Education.**

514 ~~[(1)(a) Persons]~~ A person interested in becoming a candidate for the State Board of  
515 Education shall file a declaration of candidacy according to the procedures and requirements of  
516 Sections [20A-9-201](#) and [20A-9-202](#).

517 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires,~~  
518 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~  
519 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~  
520 ~~State Board of Education.]~~

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

524           ~~[(a) one member shall be appointed to represent each of the following business and~~  
525 ~~industry sectors:]~~

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

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

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

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

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

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

532           ~~[(b) one member shall be appointed to represent each of the following education~~  
533 ~~sectors:]~~

534           ~~[(i) teachers;]~~

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

536           ~~[(iii) parents;]~~

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

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

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

540           ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~  
541 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~  
542 ~~organizations representing each of the respective sectors.]~~

543           ~~[(b) At least one member of the nominating and recruiting committee shall reside~~  
544 ~~within each state board district in which a member's term expires during the committee's~~  
545 ~~two-year term of office.]~~

546           ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

547           ~~[(b) The chair, or another member of the committee designated by the chair, shall~~  
548 ~~schedule and convene all committee meetings.]~~

549           ~~[(c) Any formal action by the committee requires the approval of a majority of~~  
550 ~~committee members.]~~

551           ~~[(d) Members of the nominating and recruiting committee shall serve without~~  
552 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~  
553 ~~official duties as established by the Division of Finance.]~~

554           ~~[(5) The nominating and recruiting committee shall:]~~

555 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~  
556 ~~to the deadline to file a declaration of candidacy;]~~

557 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~  
558 ~~each state board district subject to election in that year using the qualifications under~~  
559 ~~Subsection (6);]~~

560 ~~[(c) submit a list of at least three candidates for each state board position to the~~  
561 ~~governor by July 1; and]~~

562 ~~[(d) ensure that the list includes appropriate background information on each~~  
563 ~~candidate.]~~

564 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~  
565 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~  
566 ~~Education, including experience in the following areas:]~~

567 ~~[(a) business and industry administration;]~~

568 ~~[(b) business and industry human resource management;]~~

569 ~~[(c) business and industry finance;]~~

570 ~~[(d) business and industry, including expertise in:]~~

571 ~~[(i) metrics and evaluation;]~~

572 ~~[(ii) manufacturing;]~~

573 ~~[(iii) retailing;]~~

574 ~~[(iv) natural resources;]~~

575 ~~[(v) information technology;]~~

576 ~~[(vi) construction;]~~

577 ~~[(vii) banking;]~~

578 ~~[(viii) science and engineering; and]~~

579 ~~[(ix) medical and healthcare;]~~

580 ~~[(e) higher education administration;]~~

581 ~~[(f) applied technology education;]~~

582 ~~[(g) public education administration;]~~

583 ~~[(h) public education instruction;]~~

584 ~~[(i) economic development;]~~

585 ~~[(j) labor; and]~~

586 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

587 Section 9. Section **53A-1-101** is amended to read:

588 **53A-1-101. State Board of Education -- Members.**

589 ~~[(1)]~~ Members of the State Board of Education shall be nominated and elected as  
590 provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

591 ~~[(2) (a) In addition to the members designated under Subsection (1), the following~~  
592 ~~members shall serve as nonvoting members of the State Board of Education:]~~

593 ~~[(i) two members of the State Board of Regents, appointed by the chair of the State~~  
594 ~~Board of Regents;]~~

595 ~~[(ii) one member of the Utah College of Applied Technology Board of Trustees,~~  
596 ~~appointed by the chair of the board of trustees; and]~~

597 ~~[(iii) one member of the State Charter School Board, appointed by the chair of the State~~  
598 ~~Charter School Board.]~~

599 ~~[(b) A nonvoting member shall continue to serve as a member without a set term until~~  
600 ~~the member is replaced by the chair of the State Board of Regents, chair of the Utah College of~~  
601 ~~Applied Technology Board of Trustees, or chair of the State Charter School Board, as~~  
602 ~~applicable.]~~

603 Section 10. **Repealer.**

604 This bill repeals:

605 Section **20A-14-105, Becoming a candidate for membership on the State Board of**  
606 **Education -- Selection of candidates by the governor -- Ballot placement.**

607 Section 11. **Revisor instructions.**

608 The Legislature intends that, if the amendment to the Utah Constitution proposed by  
609 H.J.R. 16, Proposal to Amend Utah Constitution -- Governance of Public Education, 2015  
610 General Session, passes the Legislature and is approved by a majority of those voting on the  
611 amendment at the next regular general election, the Office of Legislative Research and General  
612 Counsel, in preparing the Utah Code database for publication, shall, on January 1, 2017:

613 (1) amend Section **20A-1-201** to read:

614 **"20A-1-201. Date and purpose of regular general elections.**

615 (1) A regular general election shall be held throughout the state on the first Tuesday  
616 after the first Monday in November of each even-numbered year.

- 617 (2) At the regular general election, the voters shall:
- 618 (a) choose persons to serve the terms established by law for the following offices:
- 619 (i) electors of President and Vice President of the United States;
- 620 (ii) United States Senators;
- 621 (iii) Representatives to the United States Congress;
- 622 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 623 (v) senators and representatives to the Utah Legislature;
- 624 (vi) county officers;
- 625 [~~(vii) State School Board members;~~]
- 626 [~~(viii)~~ (vii) local school board members;
- 627 [~~(ix)~~ (viii) except as provided in Subsection (3), local district officers, as applicable;
- 628 and
- 629 [~~(x)~~ (ix) any elected judicial officers; and
- 630 (b) approve or reject:
- 631 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
- 632 under procedures established in the Utah Code;
- 633 (ii) any proposed initiatives or referenda that have qualified for the ballot under
- 634 procedures established in the Utah Code; and
- 635 (iii) any other ballot propositions submitted to the voters that are authorized by the
- 636 Utah Code.
- 637 (3) This section:
- 638 (a) applies to a special service district for which the county legislative body or the
- 639 municipal legislative body, as applicable, has delegated authority for the special service district
- 640 to an administrative control board; and
- 641 (b) does not apply to a special service district for which the county legislative body or
- 642 the municipal legislative body, as applicable, has not delegated authority for the special service
- 643 district to an administrative control board.";
- 644 (2) amend Section [20A-1-201.5](#) to read:
- 645 "**20A-1-201.5. Primary election dates.**
- 646 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
- 647 of June of each even numbered year as provided in Section [20A-9-403](#), to nominate persons for

648 national, state, local school board, and county offices.

649 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
650 following the first Monday in August before the regular municipal election to nominate persons  
651 for municipal offices.

652 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
653 election, the Western States Presidential Primary election shall be held throughout the state on  
654 the first Tuesday in February in the year in which a presidential election will be held.";

655 (3) reverse the changes made to Section 20A-1-504 by this bill so that Section  
656 20A-1-504 reads:

657 **"20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
658 **state auditor, and lieutenant governor.**

659 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state  
660 treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general  
661 election.

662 (b) The governor shall fill the vacancy until the next regular general election by  
663 appointing a person who meets the qualifications for the office from three persons nominated  
664 by the state central committee of the same political party as the prior officeholder.

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

668 (4) amend Section 20A-2-101.5 to read:

669 **"20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold**  
670 **office.**

671 (1) As used in this section, "convicted felon" means a person convicted of a felony in  
672 any state or federal court of the United States.

673 (2) Each convicted felon's right to register to vote and to vote in an election is restored  
674 when:

675 (a) the felon is sentenced to probation;

676 (b) the felon is granted parole; or

677 (c) the felon has successfully completed the term of incarceration to which the felon  
678 was sentenced.

679 (3) Except as provided by Subsection (4), a convicted felon's right to hold elective  
680 office is restored when:

- 681 (a) all of the felon's felony convictions have been expunged; or  
682 (b) (i) 10 years have passed since the date of the felon's most recent felony conviction;  
683 (ii) the felon has paid all court-ordered restitution and fines; and  
684 (iii) for each felony conviction that has not been expunged, the felon has:  
685 (A) completed probation in relation to the felony;  
686 (B) been granted parole in relation to the felony; or  
687 (C) successfully completed the term of incarceration associated with the felony.

688 (4) An individual who has been convicted of a grievous sexual offense, as defined in  
689 Section [76-1-601](#), against a child, may not hold the office of [~~State Board of Education member~~  
690 ~~or~~] local school board member.";

691 (5) amend Section [20A-9-201](#) to read:

692 **"20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
693 **more than one political party prohibited with exceptions -- General filing and form**  
694 **requirements -- Affidavit of impecuniosity.**

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

- 696 (a) be a United States citizen;  
697 (b) meet the legal requirements of that office; and  
698 (c) if seeking a registered political party's nomination as a candidate for elective office,  
699 designate that registered political party as their preferred party affiliation on their declaration of  
700 candidacy.

701 (2) (a) Except as provided in Subsection (2)(b), a person may not:

- 702 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
703 Utah during any election year; or  
704 (ii) appear on the ballot as the candidate of more than one political party.

705 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president  
706 or vice president of the United States and another office, if the person resigns the person's  
707 candidacy for the other office after the person is officially nominated for president or vice  
708 president of the United States.

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

710 one justice court judge office.

711 (iii) A person may file a declaration of candidacy for lieutenant governor even if the  
712 person filed a declaration of candidacy for another office in the same election year if the person  
713 withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6)  
714 before filing the declaration of candidacy for lieutenant governor.

715 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any  
716 declaration of candidacy, the filing officer shall:

717 (A) read to the prospective candidate the constitutional and statutory qualification  
718 requirements for the office that the candidate is seeking; and

719 (B) require the candidate to state whether or not the candidate meets those  
720 requirements.

721 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
722 county clerk shall ensure that the person filing that declaration of candidacy is:

723 (A) a United States citizen;

724 (B) an attorney licensed to practice law in Utah who is an active member in good  
725 standing of the Utah State Bar;

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

727 (D) a current resident of the county in which the person is seeking office and either has  
728 been a resident of that county for at least one year or was appointed and is currently serving as  
729 county attorney and became a resident of the county within 30 days after appointment to the  
730 office.

731 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
732 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
733 candidacy is:

734 (A) a United States citizen;

735 (B) an attorney licensed to practice law in Utah who is an active member in good  
736 standing of the Utah State Bar;

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

739 (D) a current resident of the prosecution district in which the person is seeking office  
740 and either will have been a resident of that prosecution district for at least one year as of the



741 date of the election or was appointed and is currently serving as district attorney and became a  
742 resident of the prosecution district within 30 days after receiving appointment to the office.

743 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
744 county clerk shall ensure that the person filing the declaration of candidacy:

745 (A) as of the date of filing:

746 (I) is a United States citizen;

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

748 (III) (Aa) has successfully met the standards and training requirements established for  
749 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
750 Certification Act; or

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

752 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
753 53-13-103; and

754 (B) as of the date of the election, shall have been a resident of the county in which the  
755 person seeks office for at least one year.

756 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
757 governor, state auditor, state treasurer, attorney general, or state legislator, [~~or State Board of~~  
758 ~~Education member,~~] the filing officer shall ensure:

759 (A) that the person filing the declaration of candidacy also files the financial disclosure  
760 required by Section 20A-11-1603; and

761 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
762 provided to the lieutenant governor according to the procedures and requirements of Section  
763 20A-11-1603.

764 (b) If the prospective candidate states that the qualification requirements for the office  
765 are not met, the filing officer may not accept the prospective candidate's declaration of  
766 candidacy.

767 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the  
768 requirements of candidacy are met, the filing officer shall:

769 (i) inform the candidate that:

770 (A) the candidate's name will appear on the ballot as it is written on the declaration of  
771 candidacy;

772 (B) the candidate may be required to comply with state or local campaign finance  
773 disclosure laws; and

774 (C) the candidate is required to file a financial statement before the candidate's political  
775 convention under:

776 (I) Section 20A-11-204 for a candidate for constitutional office;

777 (II) Section 20A-11-303 for a candidate for the Legislature; or

778 (III) local campaign finance disclosure laws, if applicable;

779 (ii) except for a presidential candidate, provide the candidate with a copy of the current  
780 campaign financial disclosure laws for the office the candidate is seeking and inform the  
781 candidate that failure to comply will result in disqualification as a candidate and removal of the  
782 candidate's name from the ballot;

783 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
784 Electronic Voter Information Website Program and inform the candidate of the submission  
785 deadline under Subsection 20A-7-801(4)(a);

786 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
787 described under Section 20A-9-206 and inform the candidate that:

788 (A) signing the pledge is voluntary; and

789 (B) signed pledges shall be filed with the filing officer;

790 (v) accept the candidate's declaration of candidacy; and

791 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
792 declaration of candidacy to the chair of the county or state political party of which the  
793 candidate is a member.

794 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
795 officer shall:

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

797 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
798 candidate's pledge to the chair of the county or state political party of which the candidate is a  
799 member.

800 (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall  
801 be substantially as follows:

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

803 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
 804 nomination of the \_\_\_\_\_ party, which is my preferred political party affiliation. I do  
 805 solemnly swear that: I will meet the qualifications to hold the office, both legally and  
 806 constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,  
 807 Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing  
 808 campaigns and elections; I will file all campaign financial disclosure reports as required  
 809 by law; and I understand that failure to do so will result in my disqualification as a  
 810 candidate for this office and removal of my name from the ballot. The mailing address  
 811 that I designate for receiving official election notices is  
 812 \_\_\_\_\_.

813 \_\_\_\_\_  
 814 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).

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

816 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)  
 817 may not sign the form described in Subsection (4)(a).

818 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
 819 is:

820 (i) \$50 for candidates for the local school district board; and

821 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
 822 person holding the office for all other federal, state, and county offices.

823 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
 824 any candidate:

825 (i) who is disqualified; or

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

827 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
 828 from candidates.

829 (ii) The lieutenant governor shall:

830 (A) apportion to and pay to the county treasurers of the various counties all fees  
 831 received for filing of nomination certificates or acceptances; and

832 (B) ensure that each county receives that proportion of the total amount paid to the  
 833 lieutenant governor from the congressional district that the total vote of that county for all

834 candidates for representative in Congress bears to the total vote of all counties within the  
835 congressional district for all candidates for representative in Congress.

836 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
837 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
838 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
839 a financial statement filed at the time the affidavit is submitted.

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

841 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
842 statement filed under this section shall be subject to the criminal penalties provided under  
843 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

844 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
845 considered an offense under this title for the purposes of assessing the penalties provided in  
846 Subsection 20A-1-609(2).

847 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
848 substantially the following form:

849 "Affidavit of Impecuniosity

850 Individual Name

851 \_\_\_\_\_ Address \_\_\_\_\_

852 Phone Number \_\_\_\_\_

853 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
854 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
855 law.

856 Date \_\_\_\_\_ Signature \_\_\_\_\_

857 Affiant

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

859 \_\_\_\_\_  
860 (signature)

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

862 (v) The filing officer shall provide to a person who requests an affidavit of  
863 impecuniosity a statement printed in substantially the following form, which may be included  
864 on the affidavit of impecuniosity:

865 "Filing a false statement is a criminal offense. In accordance with Section [20A-1-609](#), a  
866 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
867 penalties, will be removed from the ballot."

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

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

875 (i) file a declaration of candidacy, in person or via a designated agent, with the  
876 lieutenant governor:

877 (A) on a form developed and provided by the lieutenant governor; and

878 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
879 March before the next regular primary election;

880 (ii) identify the registered political party whose nomination the candidate is seeking;

881 (iii) provide a letter from the registered political party certifying that the candidate may  
882 participate as a candidate for that party in that party's presidential primary election; and

883 (iv) pay the filing fee of \$500.

884 (b) An agent designated to file a declaration of candidacy may not sign the form  
885 described in Subsection (6)(a)(i)(A).

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

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

890 (6) reverse the changes made to Section [20A-9-408](#) by this bill so that Section  
891 [20A-9-408](#) reads:

892 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

896 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
897 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
898 the nomination of, the qualified political party under this section shall be substantially as  
899 follows:

900 "State of Utah, County of \_\_\_\_  
901 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
902 \_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
903 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
904 the City or Town of \_\_\_\_, Utah, Zip Code \_\_\_\_, Phone No. \_\_\_\_; I will not knowingly violate  
905 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
906 as required by law; and I understand that failure to do so will result in my disqualification as a  
907 candidate for this office and removal of my name from the ballot. The mailing address that I  
908 designate for receiving official election notices is  
909 \_\_\_\_\_  
910 \_\_\_\_\_.

911 Subscribed and sworn before me this \_\_\_\_\_(month\day\year). Notary Public (or  
912 other officer qualified to administer oath)."

913 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
914 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
915 nomination of the qualified political party for an elective office that is to be filled at the next  
916 general election shall:

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

- 921 (i) the name of the member who will attempt to become a candidate for a registered  
922 political party under this section;
- 923 (ii) the name of the registered political party for which the member is seeking  
924 nomination;
- 925 (iii) the office for which the member is seeking to become a candidate;
- 926 (iv) the address and telephone number of the member; and

- 927 (v) other information required by the lieutenant governor;
- 928 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
929 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
930 regular general election; and
- 931 (c) pay the filing fee.
- 932 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
933 party who, under this section, is seeking the nomination of the qualified political party for the  
934 office of district attorney within a multicounty prosecution district that is to be filled at the next  
935 general election shall:
- 936 (a) on or after January 1 before the next regular general election, and before gathering  
937 signatures under this section, file with the filing officer on a form approved by the lieutenant  
938 governor a notice of intent to gather signatures for candidacy that includes:
- 939 (i) the name of the member who will attempt to become a candidate for a registered  
940 political party under this section;
- 941 (ii) the name of the registered political party for which the member is seeking  
942 nomination;
- 943 (iii) the office for which the member is seeking to become a candidate;
- 944 (iv) the address and telephone number of the member; and
- 945 (v) other information required by the lieutenant governor;
- 946 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
947 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
948 regular general election; and
- 949 (c) pay the filing fee.
- 950 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
951 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
952 political party, under this section, for the office of governor shall submit a letter from the  
953 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
954 mate.
- 955 (6) The lieutenant governor shall ensure that the certification described in Subsection  
956 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
957 under this section.

958           (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who  
959 is nominated by a qualified political party under this section, designate the qualified political  
960 party that nominated the candidate.

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

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

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

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

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

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

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

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

983           (9) (a) In order for a member of the qualified political party to qualify as a candidate  
984 for the qualified political party's nomination for an elective office under this section, the  
985 member shall:

986           (i) collect the signatures on a form approved by the lieutenant governor's office, using  
987 the same circulation and verification requirements described in Sections [20A-7-304](#) and  
988 [20A-7-305](#); and



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

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

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

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

999 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
1000 apply to a candidate for office in relation to the reporting requirements described in Subsection  
1001 (9)(c)(i).

1002 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1003 election officer shall, no later than one day before the day on which the qualified political party  
1004 holds the convention to select a nominee for the elective office to which the signature packets  
1005 relate:

1006 (i) check the name of each individual who completes the verification for a signature  
1007 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1008 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
1009 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1010 (iii) determine whether each signer is a registered voter who is qualified to sign the  
1011 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
1012 on a petition;

1013 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
1014 signature packet; and

1015 (v) notify the qualified political party and the lieutenant governor of the name of each  
1016 member of the qualified political party who qualifies as a nominee of the qualified political  
1017 party, under this section, for the elective office to which the convention relates.

1018 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
1019 this section, the lieutenant governor shall post the notice of intent to gather signatures for

1020 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1021 posts a declaration of candidacy.";

1022 (7) amend Section 20A-11-101 to read:

1023 "20A-11-101. Definitions.

1024 As used in this chapter:

1025 (1) "Address" means the number and street where an individual resides or where a  
1026 reporting entity has its principal office.

1027 (2) "Agent of a reporting entity" means:

1028 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
1029 entity;

1030 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
1031 reporting entity;

1032 (c) the personal campaign committee of a candidate or officeholder;

1033 (d) a member of the personal campaign committee of a candidate or officeholder in the  
1034 member's capacity as a member of the personal campaign committee of the candidate or  
1035 officeholder; or

1036 (e) a political consultant of a reporting entity.

1037 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1038 amendments, and any other ballot propositions submitted to the voters that are authorized by  
1039 the Utah Code Annotated 1953.

1040 (4) "Candidate" means any person who:

1041 (a) files a declaration of candidacy for a public office; or

1042 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1043 receive contributions or make expenditures to bring about the person's nomination or election  
1044 to a public office.

1045 (5) "Chief election officer" means:

1046 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1047 officeholders, political parties, political action committees, corporations, political issues  
1048 committees, [~~state school board candidates,~~] judges, and labor organizations, as defined in  
1049 Section 20A-11-1501; and

1050 (b) the county clerk for local school board candidates.

- 1051 (6) (a) "Contribution" means any of the following when done for political purposes:  
1052 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1053 value given to the filing entity;  
1054 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1055 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1056 anything of value to the filing entity;  
1057 (iii) any transfer of funds from another reporting entity to the filing entity;  
1058 (iv) compensation paid by any person or reporting entity other than the filing entity for  
1059 personal services provided without charge to the filing entity;  
1060 (v) remuneration from:  
1061 (A) any organization or its directly affiliated organization that has a registered lobbyist;  
1062 or  
1063 (B) any agency or subdivision of the state, including school districts;  
1064 (vi) a loan made by a candidate deposited to the candidate's own campaign; and  
1065 (vii) in-kind contributions.  
1066 (b) "Contribution" does not include:  
1067 (i) services provided by individuals volunteering a portion or all of their time on behalf  
1068 of the filing entity if the services are provided without compensation by the filing entity or any  
1069 other person;  
1070 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1071 business; or  
1072 (iii) goods or services provided for the benefit of a candidate or political party at less  
1073 than fair market value that are not authorized by or coordinated with the candidate or political  
1074 party.  
1075 (7) "Coordinated with" means that goods or services provided for the benefit of a  
1076 candidate or political party are provided:  
1077 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
1078 party does not object;  
1079 (b) by agreement with the candidate or political party;  
1080 (c) in coordination with the candidate or political party; or  
1081 (d) using official logos, slogans, and similar elements belonging to a candidate or

1082 political party.

1083           (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1084 organization that is registered as a corporation or is authorized to do business in a state and  
1085 makes any expenditure from corporate funds for:

1086           (i) the purpose of expressly advocating for political purposes; or

1087           (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
1088 proposition.

1089           (b) "Corporation" does not mean:

1090           (i) a business organization's political action committee or political issues committee; or

1091           (ii) a business entity organized as a partnership or a sole proprietorship.

1092           (9) "County political party" means, for each registered political party, all of the persons  
1093 within a single county who, under definitions established by the political party, are members of  
1094 the registered political party.

1095           (10) "County political party officer" means a person whose name is required to be  
1096 submitted by a county political party to the lieutenant governor in accordance with Section  
1097 [20A-8-402](#).

1098           (11) "Detailed listing" means:

1099           (a) for each contribution or public service assistance:

1100           (i) the name and address of the individual or source making the contribution or public  
1101 service assistance;

1102           (ii) the amount or value of the contribution or public service assistance; and

1103           (iii) the date the contribution or public service assistance was made; and

1104           (b) for each expenditure:

1105           (i) the amount of the expenditure;

1106           (ii) the person or entity to whom it was disbursed;

1107           (iii) the specific purpose, item, or service acquired by the expenditure; and

1108           (iv) the date the expenditure was made.

1109           (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
1110 for membership in the corporation, to a corporation without receiving full and adequate  
1111 consideration for the money.

1112           (b) "Donor" does not include a person that signs a statement that the corporation may

1113 not use the money for an expenditure or political issues expenditure.

1114 (13) "Election" means each:

1115 (a) regular general election;

1116 (b) regular primary election; and

1117 (c) special election at which candidates are eliminated and selected.

1118 (14) "Electioneering communication" means a communication that:

1119 (a) has at least a value of \$10,000;

1120 (b) clearly identifies a candidate or judge; and

1121 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
1122 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
1123 identified candidate's or judge's election date.

1124 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
1125 agent of a reporting entity on behalf of the reporting entity:

1126 (i) any disbursement from contributions, receipts, or from the separate bank account  
1127 required by this chapter;

1128 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1129 or anything of value made for political purposes;

1130 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1131 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1132 value for political purposes;

1133 (iv) compensation paid by a filing entity for personal services rendered by a person  
1134 without charge to a reporting entity;

1135 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1136 committee; or

1137 (vi) goods or services provided by the filing entity to or for the benefit of another  
1138 reporting entity for political purposes at less than fair market value.

1139 (b) "Expenditure" does not include:

1140 (i) services provided without compensation by individuals volunteering a portion or all  
1141 of their time on behalf of a reporting entity;

1142 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1143 business; or

1144 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
1145 candidates for office or officeholders in states other than Utah.

1146 (16) "Federal office" means the office of president of the United States, United States  
1147 Senator, or United States Representative.

1148 (17) "Filing entity" means the reporting entity that is required to file a financial  
1149 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1150 (18) "Financial statement" includes any summary report, interim report, verified  
1151 financial statement, or other statement disclosing contributions, expenditures, receipts,  
1152 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
1153 Retention Elections.

1154 (19) "Governing board" means the individual or group of individuals that determine the  
1155 candidates and committees that will receive expenditures from a political action committee,  
1156 political party, or corporation.

1157 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
1158 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1159 (21) "Incorporation election" means the election authorized by Section [10-2-111](#) or  
1160 [10-2-127](#).

1161 (22) "Incorporation petition" means a petition authorized by Section [10-2-109](#) or  
1162 [10-2-125](#).

1163 (23) "Individual" means a natural person.

1164 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
1165 by or coordinated with a filing entity.

1166 (25) "Interim report" means a report identifying the contributions received and  
1167 expenditures made since the last report.

1168 (26) "Legislative office" means the office of state senator, state representative, speaker  
1169 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
1170 whip of any party caucus in either house of the Legislature.

1171 (27) "Legislative office candidate" means a person who:

1172 (a) files a declaration of candidacy for the office of state senator or state representative;

1173 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
1174 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

1175 assistant whip of any party caucus in either house of the Legislature; or

1176 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1177 receive contributions or make expenditures to bring about the person's nomination, election, or  
1178 appointment to a legislative office.

1179 (28) "Major political party" means either of the two registered political parties that  
1180 have the greatest number of members elected to the two houses of the Legislature.

1181 (29) "Officeholder" means a person who holds a public office.

1182 (30) "Party committee" means any committee organized by or authorized by the  
1183 governing board of a registered political party.

1184 (31) "Person" means both natural and legal persons, including individuals, business  
1185 organizations, personal campaign committees, party committees, political action committees,  
1186 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).

1187 (32) "Personal campaign committee" means the committee appointed by a candidate to  
1188 act for the candidate as provided in this chapter.

1189 (33) "Personal use expenditure" has the same meaning as provided under Section  
1190 [20A-11-104](#).

1191 (34) (a) "Political action committee" means an entity, or any group of individuals or  
1192 entities within or outside this state, a major purpose of which is to:

1193 (i) solicit or receive contributions from any other person, group, or entity for political  
1194 purposes; or

1195 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
1196 vote for or against any candidate or person seeking election to a municipal or county office.

1197 (b) "Political action committee" includes groups affiliated with a registered political  
1198 party but not authorized or organized by the governing board of the registered political party  
1199 that receive contributions or makes expenditures for political purposes.

1200 (c) "Political action committee" does not mean:

1201 (i) a party committee;

1202 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1203 course of its business at the same price that would be provided to the general public;

1204 (iii) an individual;

1205 (iv) individuals who are related and who make contributions from a joint checking

1206 account;

1207 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1208 action committee; or

1209 (vi) a personal campaign committee.

1210 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
1211 by another person on behalf of and with the knowledge of the reporting entity, to provide  
1212 political advice to the reporting entity.

1213 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
1214 where the person:

1215 (i) has already been paid, with money or other consideration;

1216 (ii) expects to be paid in the future, with money or other consideration; or

1217 (iii) understands that the person may, in the discretion of the reporting entity or another  
1218 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
1219 money or other consideration.

1220 (36) "Political convention" means a county or state political convention held by a  
1221 registered political party to select candidates.

1222 (37) (a) "Political issues committee" means an entity, or any group of individuals or  
1223 entities within or outside this state, a major purpose of which is to:

1224 (i) solicit or receive donations from any other person, group, or entity to assist in  
1225 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
1226 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1227 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
1228 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
1229 proposed ballot proposition or an incorporation in an incorporation election; or

1230 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
1231 ballot or to assist in keeping a ballot proposition off the ballot.

1232 (b) "Political issues committee" does not mean:

1233 (i) a registered political party or a party committee;

1234 (ii) any entity that provides goods or services to an individual or committee in the  
1235 regular course of its business at the same price that would be provided to the general public;

1236 (iii) an individual;



1237 (iv) individuals who are related and who make contributions from a joint checking  
1238 account; or

1239 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1240 issues committee.

1241 (38) (a) "Political issues contribution" means any of the following:

1242 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
1243 anything of value given to a political issues committee;

1244 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
1245 issues donation to influence the approval or defeat of any ballot proposition;

1246 (iii) any transfer of funds received by a political issues committee from a reporting  
1247 entity;

1248 (iv) compensation paid by another reporting entity for personal services rendered  
1249 without charge to a political issues committee; and

1250 (v) goods or services provided to or for the benefit of a political issues committee at  
1251 less than fair market value.

1252 (b) "Political issues contribution" does not include:

1253 (i) services provided without compensation by individuals volunteering a portion or all  
1254 of their time on behalf of a political issues committee; or

1255 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1256 course of business.

1257 (39) (a) "Political issues expenditure" means any of the following when made by a  
1258 political issues committee or on behalf of a political issues committee by an agent of the  
1259 reporting entity:

1260 (i) any payment from political issues contributions made for the purpose of influencing  
1261 the approval or the defeat of:

1262 (A) a ballot proposition; or

1263 (B) an incorporation petition or incorporation election;

1264 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1265 the express purpose of influencing the approval or the defeat of:

1266 (A) a ballot proposition; or

1267 (B) an incorporation petition or incorporation election;

1268 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1269 political issues expenditure;

1270 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1271 without charge to a political issues committee; or

1272 (v) goods or services provided to or for the benefit of another reporting entity at less  
1273 than fair market value.

1274 (b) "Political issues expenditure" does not include:

1275 (i) services provided without compensation by individuals volunteering a portion or all  
1276 of their time on behalf of a political issues committee; or

1277 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1278 course of business.

1279 (40) "Political purposes" means an act done with the intent or in a way to influence or  
1280 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1281 against any candidate or a person seeking a municipal or county office at any caucus, political  
1282 convention, or election.

1283 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
1284 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
1285 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
1286 person or by telephone, facsimile, Internet, postal mail, or email.

1287 (b) "Poll" does not include:

1288 (i) a ballot; or

1289 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1290 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1291 (B) all individuals in the focus group are present during the interview.

1292 (42) "Primary election" means any regular primary election held under the election  
1293 laws.

1294 ~~[(45)]~~ (43) "Publicly identified class of individuals" means a group of 50 or more  
1295 individuals sharing a common occupation, interest, or association that contribute to a political  
1296 action committee or political issues committee and whose names can be obtained by contacting  
1297 the political action committee or political issues committee upon whose financial statement the  
1298 individuals are listed.

1299            [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state  
1300 auditor, state treasurer, attorney general, [~~state school board member,~~] state senator, state  
1301 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
1302 whip, and assistant whip of any party caucus in either house of the Legislature.

1303            [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
1304 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1305 communicate with the officeholder's constituents:

1306            (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1307 money or anything of value to an officeholder; or

1308            (ii) goods or services provided at less than fair market value to or for the benefit of the  
1309 officeholder.

1310            (b) "Public service assistance" does not include:

1311            (i) anything provided by the state;

1312            (ii) services provided without compensation by individuals volunteering a portion or all  
1313 of their time on behalf of an officeholder;

1314            (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1315 business;

1316            (iv) news coverage or any publication by the news media; or

1317            (v) any article, story, or other coverage as part of any regular publication of any  
1318 organization unless substantially all the publication is devoted to information about the  
1319 officeholder.

1320            (46) "Receipts" means contributions and public service assistance.

1321            (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1322 Lobbyist Disclosure and Regulation Act.

1323            (48) "Registered political action committee" means any political action committee that  
1324 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
1325 Governor.

1326            (49) "Registered political issues committee" means any political issues committee that  
1327 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
1328 Governor.

1329            (50) "Registered political party" means an organization of voters that:

1330 (a) participated in the last regular general election and polled a total vote equal to 2%  
1331 or more of the total votes cast for all candidates for the United States House of Representatives  
1332 for any of its candidates for any office; or

1333 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
1334 Party Formation and Procedures.

1335 (51) (a) "Remuneration" means a payment:

1336 (i) made to a legislator for the period the Legislature is in session; and

1337 (ii) that is approximately equivalent to an amount a legislator would have earned  
1338 during the period the Legislature is in session in the legislator's ordinary course of business.

1339 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1340 (i) the legislator's primary employer in the ordinary course of business; or

1341 (ii) a person or entity in the ordinary course of business:

1342 (A) because of the legislator's ownership interest in the entity; or

1343 (B) for services rendered by the legislator on behalf of the person or entity.

1344 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1345 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
1346 action committee, a political issues committee, a corporation, or a labor organization, as  
1347 defined in Section [20A-11-1501](#).

1348 [~~(53) "School board office" means the office of state school board.~~]

1349 [~~(54)~~] (53) (a) "Source" means the person or entity that is the legal owner of the  
1350 tangible or intangible asset that comprises the contribution.

1351 (b) "Source" means, for political action committees and corporations, the political  
1352 action committee and the corporation as entities, not the contributors to the political action  
1353 committee or the owners or shareholders of the corporation.

1354 [~~(55)~~] (54) "State office" means the offices of governor, lieutenant governor, attorney  
1355 general, state auditor, and state treasurer.

1356 [~~(56)~~] (55) "State office candidate" means a person who:

1357 (a) files a declaration of candidacy for a state office; or

1358 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1359 receive contributions or make expenditures to bring about the person's nomination, election, or  
1360 appointment to a state office.

1361 [(57)] (56) "Summary report" means the year end report containing the summary of a  
1362 reporting entity's contributions and expenditures.

1363 [(58)] (57) "Supervisory board" means the individual or group of individuals that  
1364 allocate expenditures from a political issues committee.;

1365 (8) amend Section [20A-11-402](#) to read:

1366 **20A-11-402. Officeholder financial reporting requirements -- Termination of**  
1367 **duty to report.**

1368 (1) An officeholder is active and subject to reporting requirements until the  
1369 officeholder has filed a statement of dissolution with the lieutenant governor stating that:

1370 (a) the officeholder is no longer receiving contributions or public service assistance and  
1371 is no longer making expenditures;

1372 (b) the ending balance on the last summary report filed is zero and the balance in the  
1373 separate bank account required by Section [20A-11-201](#) [;] or [20A-11-301](#) [; ~~or 20A-11-1301~~] is  
1374 zero; and

1375 (c) a final summary report in the form required by Section [20A-11-401](#) showing a zero  
1376 balance is attached to the statement of dissolution.

1377 (2) A statement of dissolution and a final summary report may be filed at any time.

1378 (3) Each officeholder shall continue to file the year-end summary report required by  
1379 Section [20A-11-401](#) until the statement of dissolution and final summary report required by  
1380 this section are filed with the lieutenant governor.

1381 (4) An officeholder may not use a contribution deposited in an account in accordance  
1382 with this chapter for:

1383 (a) a personal use expenditure; or

1384 (b) an expenditure prohibited by law.

1385 (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an  
1386 officeholder may not expend or transfer the money in a campaign account in a manner that  
1387 would cause the former officeholder to recognize the money as taxable income under federal  
1388 tax law.

1389 (b) A person who is no longer an officeholder may transfer the money in a campaign  
1390 account in a manner that would cause the former officeholder to recognize the money as  
1391 taxable income under federal tax law if the transfer is made to a campaign account for federal

1392 office.";

1393 (9) reverse the changes made to Section [20A-11-403](#) in Section 3 of this bill and

1394 amend Section [20A-11-403](#) to read:

1395 **20A-11-403. Failure to file -- Penalties.**

1396 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
1397 governor shall review each filed summary report to ensure that:

1398 (a) each officeholder that is required to file a summary report has filed one; and

1399 (b) each summary report contains the information required by this part.

1400 (2) If it appears that any officeholder has failed to file the summary report required by  
1401 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
1402 governor has received a written complaint alleging a violation of the law or the falsity of any  
1403 summary report, the lieutenant governor shall, if the lieutenant governor determines that a  
1404 violation has occurred:

1405 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1406 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1407 the officeholder of the violation or written complaint and direct the officeholder to file a  
1408 summary report correcting the problem.

1409 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report  
1410 within seven days after receiving notice from the lieutenant governor under this section.

1411 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B  
1412 misdemeanor.

1413 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the  
1414 attorney general.

1415 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
1416 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
1417 (3)(a).

1418 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder  
1419 under Subsection [20A-11-204\(1\)\(c\)](#)[~~;~~] or [20A-11-303\(1\)\(c\)](#)[~~;~~ ~~or~~ ~~20A-11-1303(1)(c)~~], the  
1420 lieutenant governor shall review each filed interim report to ensure that each interim report  
1421 contains the information required for the report.

1422 (5) If it appears that any officeholder has failed to file an interim report required by

1423 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant  
 1424 governor has received a written complaint alleging a violation of the law or the falsity of any  
 1425 interim report, the lieutenant governor shall, if the lieutenant governor determines that a  
 1426 violation has occurred:

1427 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1428 (b) within five days after the day on which the violation is discovered or a written  
 1429 complaint is received, notify the officeholder of the violation or written complaint and direct  
 1430 the officeholder to file an interim report correcting the problem.

1431 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report  
 1432 within seven days after the day on which the officeholder receives notice from the lieutenant  
 1433 governor under this section.

1434 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B  
 1435 misdemeanor.

1436 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the  
 1437 attorney general.

1438 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant  
 1439 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
 1440 (6)(a).";

1441 (10) amend Section [20A-11-1603](#) to read:

1442 **"20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**  
 1443 **Public availability.**

1444 (1) [~~Candidates seeking the following offices~~] A candidate seeking the office of state  
 1445 constitutional officer or state legislator shall file a financial disclosure with the filing officer at  
 1446 the time of filing a declaration of candidacy[?].

1447 [~~(a) state constitutional officer;~~]

1448 [~~(b) state legislator; or~~]

1449 [~~(c) State Board of Education member.~~]

1450 (2) A filing officer may not accept a declaration of candidacy for an office listed in  
 1451 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure  
 1452 required by this section.

1453 (3) The financial disclosure form shall contain the same requirements and shall be in

1454 the same format as the financial disclosure form described in Section [20A-11-1604](#).

1455 (4) The financial disclosure form shall:

1456 (a) be made available for public inspection at the filing officer's place of business;

1457 (b) if the filing officer is an individual other than the lieutenant governor, be provided  
1458 to the lieutenant governor within five business days of the date of filing and be made publicly  
1459 available at the Office of the Lieutenant Governor; and

1460 (c) be made publicly available on the Statewide Electronic Voter Information Website  
1461 administered by the lieutenant governor.";

1462 (11) renumber Section [20A-14-101.1](#) as Section [53A-1-107](#) and amend to read:

1463 "~~20A-14-101.1~~ [53A-1-107](#). Definitions.

1464 As used in this part:

1465 (1) "Board" means the State Board of Education.

1466 (2) "Board block assignment file" means the electronic file that assigns each of Utah's  
1467 115,406 census blocks to a particular State Board of Education district.

1468 (3) "Board shapefile" means the electronic shapefile that stores:

1469 (a) the boundary of each of the 15 State Board of Education districts[-] through

1470 December 31, 2022; and

1471 (b) the boundary of each of the nine State Board of Education districts beginning on  
1472 January 1, 2023.

1473 (4) "Census block" means any one of the 115,406 individual geographic areas into  
1474 which the Bureau of the Census of the United States Department of Commerce has divided the  
1475 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
1476 tabulation from the 2010 decennial census.

1477 (5) "Shapefile" means the digital vector storage format for storing geometric location  
1478 and associated attribute information.";

1479 (12) renumber Section [20A-14-101.5](#) as Section [53A-1-108](#) and amend to read:

1480 "~~20A-14-101.5~~ [53A-1-108](#). State Board of Education districts.

1481 [(1) As used in this section:]

1482 [(a) "County boundary" means the county boundary's location in the database as of  
1483 January 1, 2010.]

1484 [(b) "Database" means the State Geographic Information Database created in Section



1485 ~~63F-1-507.]~~

1486 ~~[(c) "Local school district boundary" means the local school district boundary's~~  
1487 ~~location in the database as of January 1, 2010.]~~

1488 ~~[(d) "Municipal boundary" means the municipal boundary's location in the database as~~  
1489 ~~of January 1, 2010.]~~

1490 ~~[(2) The State Board of Education shall consist of 15 members, with one member to be~~  
1491 ~~elected from each State Board of Education district.]~~

1492 ~~[(3)]~~ (1) The Legislature adopts the official census population figures and maps of the  
1493 Bureau of the Census of the United States Department of Commerce developed in connection  
1494 with the taking of the 2010 national decennial census as the official data for establishing State  
1495 Board of Education district boundaries.

1496 ~~[(4)]~~ (2) (a) Effective January 1, 2023, the Legislature shall adopt the official census  
1497 population figures and maps of the Bureau of the Census of the United States Department of  
1498 Commerce developed in connection with the taking of the 2020 national decennial census as  
1499 the official data for establishing State Board of Education district boundaries.

1500 (b) Using the data described in Subsection (3), the Legislature shall divide the state  
1501 into nine State Board of Education districts.

1502 (3) (a) Notwithstanding [~~Subsection (3)~~] Subsections (1) and (2), the Legislature enacts  
1503 the district numbers and boundaries of the State Board of Education districts designated in the  
1504 board shapefile [that is the electronic component of the bill that enacts this section].

1505 (b) [~~That~~] The board shapefile described in Subsection (2)(a), and the State Board of  
1506 Education district boundaries generated from that board shapefile, may be accessed via the  
1507 Utah Legislature's website.";

1508 (13) enact Section 53A-1-109 to read:

1509 **"53A-1-109. State Board of Education -- Members.**

1510 (1) A member of the State Board of Education shall:

1511 (a) be appointed by the governor, with the consent of the Senate; and

1512 (b) reside in and represent a State Board of Education district, described in Section

1513 53A-1-108.

1514 (2) (a) The board shall consist of 15 members through December 31, 2022.

1515 (b) Beginning on January 1, 2023, the board shall consist of nine members.

1516 (3) A board member shall, during the member's term of office, maintain the member's  
1517 primary residence within the State Board of Education district that the member is appointed to  
1518 represent.

1519 (4) An individual who has been convicted of a grievous sexual offense, as defined in  
1520 Section 76-1-601, against a child, may not serve as a member of the board.

1521 (5) The governor shall appoint the members of the board, as the terms of existing  
1522 members end, as follows:

1523 (a) for terms beginning on January 1, 2019, the governor shall appoint board members  
1524 residing in districts 1, 2, 3, 5, 6, 9, and 14 to terms of four years; and

1525 (b) for terms beginning on January 1, 2021, the governor shall appoint board members  
1526 residing in districts 4, 7, 8, 10, 11, 12, 13, and 15 to terms of two years.

1527 (6) The governor shall appoint nine members to the board, to terms beginning on  
1528 January 1, 2023, with one member residing in and representing each of the nine districts  
1529 described in Subsection 53A-1-108(2) as follows:

1530 (a) the governor shall appoint five members to four-year terms; and

1531 (b) the governor shall appoint four members to two-year terms.

1532 (7) (a) If a vacancy occurs on the board for any reason before the end of the term for  
1533 that board member, the governor shall appoint, with the consent of the Senate, an individual  
1534 who resides in the applicable State Board of Education district to serve on the board for the  
1535 remainder of the term of that board member.

1536 (b) The governor may remove an individual from the board for cause.

1537 (c) Except as provided in Subsection (7)(d), the governor may not appoint an  
1538 individual to more than two consecutive terms as a member of the board.

1539 (d) The governor may appoint an individual appointed under Subsection (6)(b) or  
1540 (7)(a) to two consecutive terms on the board immediately following the partial initial term  
1541 served by the board member.

1542 (8) A board member whose term expires shall continue to serve on the board until the  
1543 member's replacement is appointed by the governor and confirmed by the Senate.

1544 (9) A board member may not, during the member's term of office, also serve as an  
1545 employee of:

1546 (a) the State Board of Education;

1547 (b) the Utah State Office of Education; or

1548 (c) the Utah State Office of Rehabilitation.";

1549 (14) amend Section 53A-1-301 to read:

1550 **"53A-1-301. Appointment -- Qualifications -- Duties.**

1551 (1) (a) The State Board of Education, upon approval from the governor and with the  
1552 consent of the Senate, shall appoint a superintendent of public instruction, hereinafter called  
1553 the state superintendent, who is the executive officer of the board and serves at the pleasure of  
1554 the board.

1555 (b) The board shall appoint the state superintendent on the basis of outstanding  
1556 professional qualifications.

1557 (c) The state superintendent shall administer all programs assigned to the State Board  
1558 of Education in accordance with the policies and the standards established by the board.

1559 (2) The State Board shall with the appointed superintendent develop a statewide  
1560 education strategy focusing on core academics, including the development of:

1561 (a) core curriculum and graduation requirements;

1562 (b) a process to select instructional materials that best correlate to the core curriculum  
1563 and graduation requirements that are supported by generally accepted scientific standards of  
1564 evidence;

1565 (c) professional development programs for teachers, superintendents, and principals;

1566 (d) remediation programs;

1567 (e) a method for creating individual student learning targets, and a method of  
1568 measuring an individual student's performance toward those targets;

1569 (f) progress-based assessments for ongoing performance evaluations of districts and  
1570 schools;

1571 (g) incentives to achieve the desired outcome of individual student progress in core  
1572 academics, and which do not create disincentives for setting high goals for the students;

1573 (h) an annual report card for school and district performance, measuring learning and  
1574 reporting progress-based assessments;

1575 (i) a systematic method to encourage innovation in schools and school districts as they  
1576 strive to achieve improvement in their performance; and

1577 (j) a method for identifying and sharing best demonstrated practices across districts and

1578 schools.

1579 (3) The superintendent shall perform duties assigned by the board, including the  
1580 following:

1581 (a) investigating all matters pertaining to the public schools;

1582 (b) adopting and keeping an official seal to authenticate the superintendent's official  
1583 acts;

1584 (c) holding and conducting meetings, seminars, and conferences on educational topics;

1585 (d) presenting to the governor and the Legislature each December a report of the public  
1586 school system for the preceding year to include:

1587 (i) data on the general condition of the schools with recommendations considered  
1588 desirable for specific programs;

1589 (ii) a complete statement of fund balances;

1590 (iii) a complete statement of revenues by fund and source;

1591 (iv) a complete statement of adjusted expenditures by fund, the status of bonded  
1592 indebtedness, the cost of new school plants, and school levies;

1593 (v) a complete statement of state funds allocated to each school district and charter  
1594 school by source, including supplemental appropriations, and a complete statement of  
1595 expenditures by each school district and charter school, including supplemental appropriations,  
1596 by function and object as outlined in the U.S. Department of Education publication "Financial  
1597 Accounting for Local and State School Systems";

1598 (vi) a complete statement, by school district and charter school, of the amount of and  
1599 percentage increase or decrease in expenditures from the previous year attributed to:

1600 (A) wage increases, with expenditure data for base salary adjustments identified  
1601 separately from step and lane expenditures;

1602 (B) medical and dental premium cost adjustments; and

1603 (C) adjustments in the number of teachers and other staff;

1604 (vii) a statement that includes data on:

1605 (A) fall enrollments;

1606 (B) average membership;

1607 (C) high school graduates;

1608 (D) licensed and classified employees, including data reported by school districts on

- 1609 educator ratings pursuant to Section 53A-8a-405;
- 1610 (E) pupil-teacher ratios;
- 1611 (F) average class sizes calculated in accordance with State Board of Education rules
- 1612 adopted under Subsection 53A-3-602.5(4);
- 1613 (G) average salaries;
- 1614 (H) applicable private school data; and
- 1615 (I) data from standardized norm-referenced tests in grades 5, 8, and 11 on each school
- 1616 and district;
- 1617 (viii) statistical information regarding incidents of delinquent activity in the schools or
- 1618 at school-related activities with separate categories for:
- 1619 (A) alcohol and drug abuse;
- 1620 (B) weapon possession;
- 1621 (C) assaults; and
- 1622 (D) arson;
- 1623 (ix) information about:
- 1624 (A) the development and implementation of the strategy of focusing on core
- 1625 academics;
- 1626 (B) the development and implementation of competency-based education and
- 1627 progress-based assessments; and
- 1628 (C) the results being achieved under Subsections (3)(d)(ix)(A) and (B), as measured by
- 1629 individual progress-based assessments and a comparison of Utah students' progress with the
- 1630 progress of students in other states using standardized norm-referenced tests as benchmarks;
- 1631 and
- 1632 (x) other statistical and financial information about the school system which the state
- 1633 superintendent considers pertinent;
- 1634 (e) collecting and organizing education data into an automated decision support system
- 1635 to facilitate school district and school improvement planning, accountability reporting,
- 1636 performance recognition, and the evaluation of educational policy and program effectiveness to
- 1637 include:
- 1638 (i) data that are:
- 1639 (A) comparable across schools and school districts;

- 1640 (B) appropriate for use in longitudinal studies; and
- 1641 (C) comprehensive with regard to the data elements required under applicable state or
- 1642 federal law or state board rule;
- 1643 (ii) features that enable users, most particularly school administrators, teachers, and
- 1644 parents, to:
  - 1645 (A) retrieve school and school district level data electronically;
  - 1646 (B) interpret the data visually; and
  - 1647 (C) draw conclusions that are statistically valid; and
  - 1648 (iii) procedures for the collection and management of education data that:
    - 1649 (A) require the state superintendent of public instruction to:
      - 1650 (I) collaborate with school districts in designing and implementing uniform data
      - 1651 standards and definitions;
      - 1652 (II) undertake or sponsor research to implement improved methods for analyzing
      - 1653 education data;
      - 1654 (III) provide for data security to prevent unauthorized access to or contamination of the
      - 1655 data; and
      - 1656 (IV) protect the confidentiality of data under state and federal privacy laws; and
      - 1657 (B) require all school districts and schools to comply with the data collection and
      - 1658 management procedures established under Subsection (3)(e);
      - 1659 (f) administering and implementing federal educational programs in accordance with
      - 1660 Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act; and
      - 1661 (g) with the approval of the board, preparing and submitting to the governor a budget
      - 1662 for the board to be included in the budget that the governor submits to the Legislature.
      - 1663 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
      - 1664 Restricted Account created in Section [53A-1-304](#) in accordance with the requirements of
      - 1665 Section [53A-1-304](#).
      - 1666 (5) Upon leaving office, the state superintendent shall deliver to the state
      - 1667 superintendent's successor all books, records, documents, maps, reports, papers, and other
      - 1668 articles pertaining to the state superintendent's office.
      - 1669 (6) (a) For the purpose of Subsection (3)(d)(vii):
      - 1670 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of

1671 students enrolled in a school by the number of full-time equivalent teachers assigned to the  
 1672 school, including regular classroom teachers, school-based specialists, and special education  
 1673 teachers;

1674 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of  
 1675 the schools within a school district;

1676 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median  
 1677 pupil-teacher ratio of charter schools in the state; and

1678 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median  
 1679 pupil-teacher ratio of public schools in the state.

1680 (b) The printed copy of the report required by Subsection (3)(d) shall:

1681 (i) include the pupil-teacher ratio for:

1682 (A) each school district;

1683 (B) the charter schools aggregated; and

1684 (C) the state's public schools aggregated; and

1685 (ii) indicate the Internet website where pupil-teacher ratios for each school in the state  
 1686 may be accessed.";

1687 (15) renumber and amend Section 20A-14-102 as Section 53A-1-110, as follows:

1688 "[20A-14-102.] 53A-1-110. Board shapefile -- Lieutenant governor's office  
 1689 **as repository.**

1690 (1) (a) The Legislature shall file a copy of the board shapefile enacted by the  
 1691 Legislature with the lieutenant governor's office.

1692 (b) The legal boundaries of State Board of Education districts are contained in the  
 1693 board shapefile on file with the lieutenant governor's office.

1694 (2) (a) The lieutenant governor shall:

1695 (i) generate maps of each State Board of Education district from the board shapefile;  
 1696 and

1697 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
 1698 website.

1699 (b) If there is any inconsistency between the maps and the board shapefile, the board  
 1700 shapefile is controlling.";

1701 (16) renumber and amend Section 20A-14-102.1 as Section 53A-1-111, as follows:

1702 ~~"[20A-14-102.1.]~~ 53A-1-111. Omissions from maps -- How resolved.

1703 (1) If any area of the state is omitted from a State Board of Education district in the  
1704 board shapefile enacted by the Legislature, the county clerk of the affected county, upon  
1705 discovery of the omission, shall attach the area to the appropriate State Board of Education  
1706 district according to the requirements of Subsections (2) and (3).

1707 (2) If the omitted area is surrounded by a single State Board of Education district, the  
1708 county clerk shall attach the area to that district.

1709 (3) If the omitted area is contiguous to two or more State Board of Education districts,  
1710 the county clerk shall attach the area to the district that has the least population, as determined  
1711 by the Utah Population Estimates Committee.

1712 (4) The county clerk shall certify in writing and file with the lieutenant governor any  
1713 attachment made under this section.";

1714 (17) renumber Section 20A-14-102.2 as Section 53A-1-112 and amend to read:

1715 ~~"[20A-14-102.2.]~~ 53A-1-112. Uncertain boundaries -- How resolved.

1716 (1) As used in this section:

1717 (a) "Affected party" means:

1718 (i) a ~~[state school]~~ board member whose State Board of Education district boundary is  
1719 uncertain because the feature used to establish the district boundary in the board shapefile has  
1720 been removed, modified, or is unable to be identified or who is uncertain about whether ~~[or~~  
1721 ~~not]~~ the member or another person resides in a particular State Board of Education district;

1722 (ii) a ~~[candidate for state school]~~ potential appointee to the board whose State Board of  
1723 Education district boundary is uncertain because the feature used to establish the district  
1724 boundary in the board shapefile has been removed, modified, or is unable to be identified or  
1725 who is uncertain about whether ~~[or not the candidate or another person]~~ the potential appointee  
1726 or another individual resides in a particular State Board of Education district; or

1727 (iii) ~~[a person]~~ an individual who is uncertain about which State Board of Education  
1728 district contains the ~~[person's]~~ individual's residence because the feature used to establish the  
1729 district boundary in the board shapefile has been removed, modified, or is unable to be  
1730 identified.

1731 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or  
1732 political subdivision boundary that is used to establish a State Board of Education district



- 1733 boundary.
- 1734 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
1735 to determine:
- 1736 (i) the precise location of the State Board of Education district boundary;
- 1737 (ii) the number of the State Board of Education district in which [~~a person~~] an  
1738 individual resides; or
- 1739 (iii) both Subsections (2)(a)(i) and (ii).
- 1740 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
1741 governor shall review:
- 1742 (i) the board shapefile; and
- 1743 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the  
1744 area.
- 1745 (c) Within five days of receipt of the request, the lieutenant governor shall:
- 1746 (i) review the board [~~block~~] shapefile;
- 1747 (ii) review any relevant data; and
- 1748 (iii) make a determination.
- 1749 (d) If the lieutenant governor determines the precise location of the State Board of  
1750 Education district boundary, the lieutenant governor shall:
- 1751 (i) prepare a certification identifying the appropriate State Board of Education district  
1752 boundary and attaching a map, if necessary; and
- 1753 (ii) send a copy of the certification to:
- 1754 (A) the affected party;
- 1755 (B) the county clerk of the affected county; and
- 1756 (C) the Automated Geographic Reference Center created under Section [63F-1-506](#).
- 1757 (e) If the lieutenant governor determines the number of the State Board of Education  
1758 district in which a particular [~~person~~] individual resides, the lieutenant governor shall send a  
1759 letter identifying that district by number to:
- 1760 (i) the [~~person~~] individual;
- 1761 (ii) the affected party who filed the petition, if different than the [~~person~~] individual  
1762 whose State Board of Education district number was identified; and
- 1763 (iii) the county clerk of the affected county.";

1764 (18) renumber Section 20A-14-102.3 as Section 53A-1-113 and amend to read:

1765 ["20A-14-102.3:] 53A-1-113. County clerk, Automated Geographic Reference  
1766 Center, and lieutenant governor responsibilities -- Maps.

1767 (1) As used in this section, "redistricting boundary data" means the board shapefile.

1768 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
1769 clerk's county from the lieutenant governor's office.

1770 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
1771 of State Board of Education districts as generated from the redistricting boundary data.

1772 (b) Before publishing or distributing any map or data created by the county clerk that  
1773 identifies the boundaries of State Board of Education districts within the county, the clerk shall  
1774 submit the county map and data to the lieutenant governor and to the Automated Geographic  
1775 Reference Center for review.

1776 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
1777 Automated Geographic Reference Center shall:

1778 (i) review the county map and data to evaluate if the county map and data accurately  
1779 reflect the boundaries of State Board of Education districts established by the Legislature in the  
1780 redistricting boundary data;

1781 (ii) determine whether the county map and data are correct or incorrect; and

1782 (iii) communicate those findings to the lieutenant governor.

1783 (d) The lieutenant governor shall either notify the county clerk that the county map and  
1784 data are correct or inform the county clerk that the county map and data are incorrect.

1785 (e) If the county clerk receives notice from the lieutenant governor that the county map  
1786 and data submitted are incorrect, the county clerk shall:

1787 (i) make the corrections necessary to conform the county map and data to the  
1788 redistricting boundary data; and

1789 (ii) resubmit the corrected county map and data to the lieutenant governor for a new  
1790 review under this Subsection (3).

1791 ~~[(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall~~  
1792 ~~establish voting precincts and polling places within each State Board of Education district~~  
1793 ~~according to the procedures and requirements of Section 20A-5-303.]~~

1794 ~~[(b) Within five working days after approval of voting precincts and polling places by~~

1795 the county legislative body as required by Section ~~20A-5-303~~, each county clerk shall submit a  
1796 voting precinct map identifying the boundaries of each voting precinct within the county to the  
1797 lieutenant governor and to the Automated Geographic Reference Center for review.]

1798 [~~(c) Within 30 days after receipt of a voting precinct map from a county clerk, the~~  
1799 ~~Automated Geographic Reference Center shall:]~~

1800 [~~(i) review the voting precinct map to evaluate if the voting precinct map accurately~~  
1801 ~~reflects the boundaries of State Board of Education districts established by the Legislature in~~  
1802 ~~the redistricting boundary data;]~~

1803 [~~(ii) determine whether the voting precinct map is correct or incorrect; and]~~

1804 [~~(iii) communicate those findings to the lieutenant governor.]~~

1805 [~~(d) The lieutenant governor shall either notify the county clerk that the voting precinct~~  
1806 ~~map is correct or notify the county clerk that the voting precinct map is incorrect.]~~

1807 [~~(e) If the county clerk receives notice from the lieutenant governor that the voting~~  
1808 ~~precinct map is incorrect, the county clerk shall:]~~

1809 [~~(i) make the corrections necessary to conform the voting precinct map to the~~  
1810 ~~redistricting boundary data; and]~~

1811 [~~(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the~~  
1812 ~~Automated Geographic Reference Center for a new review under this Subsection (4).]";~~

1813 (19) amend Section 53A-1-201 to read:

1814 **53A-1-201. Election and appointment of officers -- Removal from office.**

1815 (1) As used in this section, "board" means the State Board of Education.

1816 [(+)] (2) The State Board of Education shall elect from its members a chair, and at least  
1817 one vice chair, but no more than three vice chairs, each year at a meeting held any time  
1818 between November 15 and January 15.

1819 [(2)] (3) (a) If the election of officers is held subsequent to the [election] appointment  
1820 of a new member of the board, but [prior to the time that] before the new member takes office,  
1821 the new member shall assume the position of the outgoing member for purposes of the election  
1822 of officers.

1823 (b) In all other matters the outgoing member shall retain the full authority of the office  
1824 until replaced as provided by law.

1825 [(3)] (4) The duties of these officers shall be determined by the board.

1826            [~~(4)~~] (5) The board shall appoint a secretary who serves at the pleasure of the board.

1827            [~~(5)~~] (6) An officer appointed or elected by the board under this section may be

1828 removed from office for cause by a vote of two-thirds of the board.";

1829            (20) repeal Section 20A-1-507;

1830            (21) repeal Section 20A-11-1301;

1831            (22) repeal Section 20A-11-1302;

1832            (23) repeal Section 20A-11-1303;

1833            (24) repeal Section 20A-11-1304;

1834            (25) repeal Section 20A-11-1305;

1835            (26) repeal Section 20A-14-103;

1836            (27) repeal Section 20A-14-104;

1837            (28) repeal Section 20A-14-106; and

1838            (29) repeal Section 53A-1-101.

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**Legislative Review Note**  
**as of 2-10-15 2:42 PM**

**Office of Legislative Research and General Counsel**