

**SCHOOL BOARD ELECTION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ makes the office of State Board of Education member a nonpartisan office;
  - ▶ addresses midterm vacancies on the State Board of Education;
  - ▶ establishes the form for a declaration of candidacy for the office of State Board of Education member;
  - ▶ addresses campaign reporting requirements for a State Board of Education member;
- and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

**20A-1-504**, as last amended by Laws of Utah 2016, Chapter 28



- 28            **20A-9-201**, as last amended by Laws of Utah 2016, Chapter 28
- 29            **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28
- 30            **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28
- 31            **20A-11-1303**, as last amended by Laws of Utah 2016, Chapters 28 and 409
- 32            **20A-14-104.1**, as enacted by Laws of Utah 2016, Chapter 28
- 33            **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1

34 REPEALS:

- 35            **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1



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

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

39            **20A-1-102. Definitions.**

40            As used in this title:

41            (1) "Active voter" means a registered voter who has not been classified as an inactive  
42 voter by the county clerk.

43            (2) "Automatic tabulating equipment" means apparatus that automatically examines  
44 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

45            (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
46 upon which a voter records the voter's votes.

47            (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
48 envelopes.

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

50            (a) contain the names of offices and candidates and statements of ballot propositions to  
51 be voted on; and

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

53            (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
54 on the ballot for their approval or rejection including:

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

56            (b) a constitutional amendment;

57            (c) an initiative;

58            (d) a referendum;

- 59 (e) a bond proposition;
- 60 (f) a judicial retention question;
- 61 (g) an incorporation of a city or town; or
- 62 (h) any other ballot question specifically authorized by the Legislature.
- 63 (6) "Ballot sheet":
- 64 (a) means a ballot that:
- 65 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 66 (ii) can be counted using automatic tabulating equipment; and
- 67 (b) includes punch card ballots and other ballots that are machine-countable.
- 68 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 69 together with a staple or stitch in at least three places across the top of the paper in the blank
- 70 space reserved for securing the paper.
- 71 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 72 [20A-4-306](#) to canvass election returns.
- 73 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 74 the proposed issuance of bonds by a government entity.
- 75 (10) "Book voter registration form" means voter registration forms contained in a
- 76 bound book that are used by election officers and registration agents to register persons to vote.
- 77 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 78 charge by the sender.
- 79 (12) "By-mail voter registration form" means a voter registration form designed to be
- 80 completed by the voter and mailed to the election officer.
- 81 (13) "Canvass" means the review of election returns and the official declaration of
- 82 election results by the board of canvassers.
- 83 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 84 the canvass.
- 85 (15) "Contracting election officer" means an election officer who enters into a contract
- 86 or interlocal agreement with a provider election officer.
- 87 (16) "Convention" means the political party convention at which party officers and
- 88 delegates are selected.
- 89 (17) "Counting center" means one or more locations selected by the election officer in

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

91 (18) "Counting judge" means a poll worker designated to count the ballots during  
92 election day.

93 (19) "Counting poll watcher" means a person selected as provided in Section  
94 [20A-3-201](#) to witness the counting of ballots.

95 (20) "Counting room" means a suitable and convenient private place or room,  
96 immediately adjoining the place where the election is being held, for use by the poll workers  
97 and counting judges to count ballots during election day.

98 (21) "County officers" means those county officers that are required by law to be  
99 elected.

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

101 (a) means the day that is specified in the calendar year as the day that the election  
102 occurs; and

103 (b) does not include:

104 (i) deadlines established for absentee voting; or

105 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
106 Voting.

107 (23) "Elected official" means:

108 (a) a person elected to an office under Section [20A-1-303](#);

109 (b) a person who is considered to be elected to a municipal office in accordance with  
110 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

111 (c) a person who is considered to be elected to a local district office in accordance with  
112 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

113 (24) "Election" means a regular general election, a municipal general election, a  
114 statewide special election, a local special election, a regular primary election, a municipal  
115 primary election, and a local district election.

116 (25) "Election Assistance Commission" means the commission established by the Help  
117 America Vote Act of 2002, Pub. L. No. 107-252.

118 (26) "Election cycle" means the period beginning on the first day persons are eligible to  
119 file declarations of candidacy and ending when the canvass is completed.

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

- 121 (a) preside over other poll workers at a polling place;
- 122 (b) act as the presiding election judge; or
- 123 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 124 (28) "Election officer" means:
- 125 (a) the lieutenant governor, for all statewide ballots and elections;
- 126 (b) the county clerk for:
- 127 (i) a county ballot and election; and
- 128 (ii) a ballot and election as a provider election officer as provided in Section
- 129 [20A-5-400.1](#) or [20A-5-400.5](#);
- 130 (c) the municipal clerk for:
- 131 (i) a municipal ballot and election; and
- 132 (ii) a ballot and election as a provider election officer as provided in Section
- 133 [20A-5-400.1](#) or [20A-5-400.5](#);
- 134 (d) the local district clerk or chief executive officer for:
- 135 (i) a local district ballot and election; and
- 136 (ii) a ballot and election as a provider election officer as provided in Section
- 137 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 138 (e) the business administrator or superintendent of a school district for:
- 139 (i) a school district ballot and election; and
- 140 (ii) a ballot and election as a provider election officer as provided in Section
- 141 [20A-5-400.1](#) or [20A-5-400.5](#).
- 142 (29) "Election official" means any election officer, election judge, or poll worker.
- 143 (30) "Election results" means:
- 144 (a) for an election other than a bond election, the count of votes cast in the election and
- 145 the election returns requested by the board of canvassers; or
- 146 (b) for bond elections, the count of those votes cast for and against the bond
- 147 proposition plus any or all of the election returns that the board of canvassers may request.
- 148 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 149 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 150 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 151 form, and the total votes cast form.

152 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
153 device or other voting device that records and stores ballot information by electronic means.

154 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
155 or logically associated with a record and executed or adopted by a person with the intent to sign  
156 the record.

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

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

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

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

161 (b) failed to respond to that notice.

162 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
163 witness the receipt and safe deposit of voted and counted ballots.

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

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

167 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
168 Local Government Entities - Local Districts, and includes a special service district under Title  
169 17D, Chapter 1, Special Service District Act.

170 (40) "Local district officers" means those local district board members that are required  
171 by law to be elected.

172 (41) "Local election" means a regular county election, a regular municipal election, a  
173 municipal primary election, a local special election, a local district election, and a bond  
174 election.

175 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
176 local school district.

177 (43) "Local special election" means a special election called by the governing body of a  
178 local political subdivision in which all registered voters of the local political subdivision may  
179 vote.

180 (44) "Municipal executive" means:

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

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

183 10-3b-103(7); or

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

185 (45) "Municipal general election" means the election held in municipalities and, as  
186 applicable, local districts on the first Tuesday after the first Monday in November of each  
187 odd-numbered year for the purposes established in Section 20A-1-202.

188 (46) "Municipal legislative body" means:

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

190 (b) the council of a metro township.

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

192 (48) "Municipal officers" means those municipal officers that are required by law to be  
193 elected.

194 (49) "Municipal primary election" means an election held to nominate candidates for  
195 municipal office.

196 (50) "Municipality" means a city, town, or metro township.

197 (51) "Official ballot" means the ballots distributed by the election officer to the poll  
198 workers to be given to voters to record their votes.

199 (52) "Official endorsement" means:

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

201 (i) the ballot as an official ballot;

202 (ii) the date of the election; and

203 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
204 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

205 (B) for a ballot prepared by a county clerk, the words required by Subsection  
206 20A-6-301(1)(c)(iii); and

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

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

209 (ii) the ballot number.

210 (53) "Official register" means the official record furnished to election officials by the  
211 election officer that contains the information required by Section 20A-5-401.

212 (54) "Paper ballot" means a paper that contains:

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

214 voted on; and

215 (b) spaces for the voter to record the voter's vote for each office and for or against each  
216 ballot proposition.

217 (55) "Political party" means an organization of registered voters that has qualified to  
218 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
219 and Procedures.

220 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
221 cast votes.

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

223 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
224 election, voting, or counting votes.

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

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

227 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
228 in which the voter marks the voter's choice.

229 (60) "Primary convention" means the political party conventions held during the year  
230 of the regular general election.

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

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

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

234 (62) "Provider election officer" means an election officer who enters into a contract or  
235 interlocal agreement with a contracting election officer to conduct an election for the  
236 contracting election officer's local political subdivision in accordance with Section  
237 [20A-5-400.1](#).

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

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

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

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

242 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
243 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
244 verify a person's legal right to vote.



245 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
246 duties of the position for which the person was elected.

247 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
248 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
249 after the voter has voted.

250 (67) "Registration form" means a book voter registration form and a by-mail voter  
251 registration form.

252 (68) "Regular ballot" means a ballot that is not a provisional ballot.

253 (69) "Regular general election" means the election held throughout the state on the first  
254 Tuesday after the first Monday in November of each even-numbered year for the purposes  
255 established in Section [20A-1-201](#).

256 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
257 each even-numbered year, to nominate candidates of political parties and candidates for  
258 nonpartisan State Board of Education and local school board positions to advance to the regular  
259 general election.

260 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

261 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
262 and distributed as provided in Section [20A-5-405](#).

263 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
264 punch the ballot for one or more candidates who are members of different political parties or  
265 who are unaffiliated.

266 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
267 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
268 the voter's vote.

269 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

270 (76) "Spoiled ballot" means each ballot that:

271 (a) is spoiled by the voter;

272 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

273 (c) lacks the official endorsement.

274 (77) "Statewide special election" means a special election called by the governor or the  
275 Legislature in which all registered voters in Utah may vote.

276 (78) "Stub" means the detachable part of each ballot.

277 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
278 the poll workers when the official ballots are lost or stolen.

279 (80) "Ticket" means a list of:

280 (a) political parties;

281 (b) candidates for an office; or

282 (c) ballot propositions.

283 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
284 counting center.

285 (82) "Vacancy" means the absence of a person to serve in any position created by  
286 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
287 or other cause.

288 (83) "Valid voter identification" means:

289 (a) a form of identification that bears the name and photograph of the voter which may  
290 include:

291 (i) a currently valid Utah driver license;

292 (ii) a currently valid identification card that is issued by:

293 (A) the state; or

294 (B) a branch, department, or agency of the United States;

295 (iii) a currently valid Utah permit to carry a concealed weapon;

296 (iv) a currently valid United States passport; or

297 (v) a currently valid United States military identification card;

298 (b) one of the following identification cards, whether or not the card includes a  
299 photograph of the voter:

300 (i) a valid tribal identification card;

301 (ii) a Bureau of Indian Affairs card; or

302 (iii) a tribal treaty card; or

303 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
304 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
305 may include:

306 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the

- 307 election;
- 308 (ii) a bank or other financial account statement, or a legible copy thereof;
- 309 (iii) a certified birth certificate;
- 310 (iv) a valid social security card;
- 311 (v) a check issued by the state or the federal government or a legible copy thereof;
- 312 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 313 (vii) a currently valid Utah hunting or fishing license;
- 314 (viii) certified naturalization documentation;
- 315 (ix) a currently valid license issued by an authorized agency of the United States;
- 316 (x) a certified copy of court records showing the voter's adoption or name change;
- 317 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 318 (xii) a currently valid identification card issued by:
- 319 (A) a local government within the state;
- 320 (B) an employer for an employee; or
- 321 (C) a college, university, technical school, or professional school located within the
- 322 state; or
- 323 (xiii) a current Utah vehicle registration.
- 324 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 325 candidate by following the procedures and requirements of this title.
- 326 (85) "Voter" means a person who:
- 327 (a) meets the requirements for voting in an election;
- 328 (b) meets the requirements of election registration;
- 329 (c) is registered to vote; and
- 330 (d) is listed in the official register book.
- 331 (86) "Voter registration deadline" means the registration deadline provided in Section
- 332 [20A-2-102.5](#).
- 333 (87) "Voting area" means the area within six feet of the voting booths, voting
- 334 machines, and ballot box.
- 335 (88) "Voting booth" means:
- 336 (a) the space or compartment within a polling place that is provided for the preparation
- 337 of ballots, including the voting machine enclosure or curtain; or

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

339 (89) "Voting device" means:

340 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
341 piercing the ballots by the voter;

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

343 (c) an electronic voting device or other device used to make selections and cast a ballot  
344 electronically, or any component thereof;

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

346 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
347 by means of automatic tabulating equipment.

348 (90) "Voting machine" means a machine designed for the sole purpose of recording  
349 and tabulating votes cast by voters at an election.

350 (91) "Voting poll watcher" means a person appointed as provided in this title to  
351 witness the distribution of ballots and the voting process.

352 (92) "Voting precinct" means the smallest voting unit established as provided by law  
353 within which qualified voters vote at one polling place.

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

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

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

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

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

362 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
363 **state auditor, State Board of Education member, and lieutenant governor.**

364 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state  
365 treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the  
366 unexpired term at the next regular general election.

367 (b) ~~[The]~~ Except as provided in Subsection (3), the governor shall fill the vacancy until  
368 the next regular general election by appointing a person who meets the qualifications for the

369 office from three persons nominated by the state central committee of the same political party  
370 as the prior officeholder.

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

374 (3) For a State Board of Education member vacancy, [~~if the individual who is being~~  
375 ~~replaced is not a member of a political party, or if the member was elected at or before the 2016~~  
376 ~~regular general election,~~] the governor shall fill the vacancy, with the consent of the Senate, by  
377 selecting an individual who meets the qualifications and residency requirements for filling the  
378 vacancy described in Section [20A-14-103](#).

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

380 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
381 **more than one political party prohibited with exceptions -- General filing and form**  
382 **requirements -- Affidavit of impecuniosity.**

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

384 (a) be a United States citizen;

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

386 (c) if seeking a registered political party's nomination as a candidate for elective office,  
387 state:

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

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

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

391 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
392 Utah during any election year;

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

394 (iii) file a declaration of candidacy for a registered political party of which the  
395 individual is not a member, except to the extent that the registered political party permits  
396 otherwise in the registered political party's bylaws.

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

400 president of the United States.

401 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than  
402 one justice court judge office.

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

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

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

411 (B) require the candidate to state whether the candidate meets those requirements.

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

414 (A) a United States citizen;

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

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

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

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

425 (A) a United States citizen;

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

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

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

431 and either will have been a resident of that prosecution district for at least one year as of the  
432 date of the election or was appointed and is currently serving as district attorney and became a  
433 resident of the prosecution district within 30 days after receiving appointment to the office.

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

436 (A) as of the date of filing:

437 (I) is a United States citizen;

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

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

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

443 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
444 53-13-103; and

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

447 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
448 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
449 Education member, the filing officer shall ensure:

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

452 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
453 provided to the lieutenant governor according to the procedures and requirements of Section  
454 20A-11-1603.

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

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

460 (i) inform the candidate that:

461 (A) the candidate's name will appear on the ballot as the candidate's name is written on

462 the declaration of candidacy;

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

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

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

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

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

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

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

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

479 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

491 (4) (a) Except for a presidential ~~[candidates]~~ candidate or a State Board of Education  
492 candidate, the form of the declaration of candidacy shall:



493 (i) be substantially as follows:

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

495 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
496 nomination of the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications to  
497 hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_  
498 in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not  
499 knowingly violate any law governing campaigns and elections; I will file all campaign  
500 financial disclosure reports as required by law; and I understand that failure to do so  
501 will result in my disqualification as a candidate for this office and removal of my name  
502 from the ballot. The mailing address that I designate for receiving official election  
503 notices is \_\_\_\_\_.

504

\_\_\_\_\_

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

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

507 (ii) require the candidate to state, in the sworn statement described in Subsection  
508 (4)(a)(i):

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

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

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

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

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

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

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

520 (i) who is disqualified; or

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

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

524 (ii) The lieutenant governor shall:

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

527 (B) ensure that each county receives that proportion of the total amount paid to the  
528 lieutenant governor from the congressional district that the total vote of that county for all  
529 candidates for representative in Congress bears to the total vote of all counties within the  
530 congressional district for all candidates for representative in Congress.

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

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

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

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

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

544 "Affidavit of Impecuniosity

545 Individual Name \_\_\_\_\_

546 \_\_\_\_\_ Address \_\_\_\_\_

547 Phone Number \_\_\_\_\_

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

551 Date \_\_\_\_\_ Signature \_\_\_\_\_

552 Affiant

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

554 \_\_\_\_\_

555 (signature)  
556 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

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

560 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
561 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
562 penalties, will be removed from the ballot."

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

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

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

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

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

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

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

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

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

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

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

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

586 Education member shall be substantially as follows:

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

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

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

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

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

592 elections; I will file all campaign financial disclosure reports as required by

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

594 candidate for this office and removal of my name from the ballot. The mailing address that I

595 designate for receiving official election notices is \_\_\_\_\_.

596 \_\_\_\_\_

597 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or

598 other officer qualified to administer oath)."

599 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)

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

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

602 **20A-9-403. Regular primary elections.**

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

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

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

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

607 ability to qualify for a regular general election's ballot as an unaffiliated candidate under

608 Section [20A-9-501](#) or to participate in a regular general election as a write-in candidate under

609 Section [20A-9-601](#).

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

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

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

613 office in the manner prescribed in this section.

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

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

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

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

618 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
619 even-numbered year in which a regular general election will be held.

620 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,  
621 shall:

622 (i) either declare their intent to participate in the next regular primary election or  
623 declare that the registered political party chooses not to have the names of its candidates for  
624 elective office featured on the ballot at the next regular general election; and

625 (ii) if the registered political party participates in the upcoming regular primary  
626 election, identify one or more registered political parties whose members may vote for the  
627 registered political party's candidates and whether or not persons identified as unaffiliated with  
628 a political party may vote for the registered political party's candidates.

629 (b) (i) A registered political party that is a continuing political party must file the  
630 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
631 November 15 of each odd-numbered year.

632 (ii) An organization that is seeking to become a registered political party under Section  
633 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered  
634 political party files the petition described in Section 20A-8-103.

635 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a  
636 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
637 office on the regular primary ballot of the registered political party listed on the declaration of  
638 candidacy only if the person is certified by the appropriate filing officer as having submitted a  
639 set of nomination petitions that was:

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

641 (ii) signed by at least two percent of the registered political party's members who reside  
642 in the political division of the office that the person seeks.

643 (b) A candidate for elective office shall submit nomination petitions to the appropriate  
644 filing officer for verification and certification no later than 5 p.m. on the final day in March.

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

646 (c) The lieutenant governor shall determine for each elective office the total number of  
647 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number

648 of persons residing in each elective office's political division who have designated a particular  
649 registered political party on their voter registration forms as of November 1 of each  
650 odd-numbered year. The lieutenant governor shall publish this determination for each elective  
651 office no later than November 15 of each odd-numbered year.

652 (d) The filing officer shall:

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

654 (ii) for all qualifying candidates for elective office who submitted nomination petitions  
655 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on  
656 the first Monday after the third Saturday in April;

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

658 (iv) consider a person who signs a nomination petition a member of a registered  
659 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered  
660 political party as the person's party membership on the person's voter registration form; and

661 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination  
662 petition signatures, or use statistical sampling procedures to verify submitted nomination  
663 petition signatures pursuant to rules made under Subsection (3)(f).

664 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
665 lieutenant governor may appear on the regular primary ballot of a registered political party  
666 without submitting nomination petitions if the candidate files a declaration of candidacy and  
667 complies with Subsection [20A-9-202\(3\)](#).

668 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
669 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

670 (i) provide for the use of statistical sampling procedures that:

671 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

672 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
673 submission, using widely recognized statistical sampling techniques; and

674 (ii) provide for the transparent, orderly, and timely submission, verification, and  
675 certification of nomination petition signatures.

676 (g) The county clerk shall:

677 (i) review the declarations of candidacy filed by candidates for local boards of  
678 education to determine if more than two candidates have filed for the same seat;

679 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
680 local board of education seat on the nonpartisan section of the ballot if more than two  
681 candidates have filed for the same seat; and

682 (iii) determine the order of the local board of education candidates' names on the ballot  
683 in accordance with Section [20A-6-305](#).

684 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
685 governor shall provide to the county clerks:

686 (i) a list of the names of all candidates for federal, constitutional, multi-county, and  
687 county offices who have received certifications under Subsection (3), along with instructions  
688 on how those names shall appear on the primary-election ballot in accordance with Section  
689 [20A-6-305](#); and

690 (ii) a list of unopposed candidates for elective office who have been nominated by a  
691 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such  
692 candidates from the primary-election ballot.

693 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
694 joint-ticket running mates shall appear jointly on the primary-election ballot.

695 (c) After the county clerk receives the certified list from the lieutenant governor under  
696 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
697 substantially the following form:

698 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
699 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan  
700 State Board of Education and local school board positions listed on the primary ballot. The  
701 polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open  
702 until 8 p.m. of the same day. Attest: county clerk."

703 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
704 votes cast for each office at the regular primary election are nominated by their registered  
705 political party for that office or are nominated as a candidate for a nonpartisan State Board of  
706 Education or local school board position.

707 (b) If two or more candidates, other than presidential candidates, are to be elected to  
708 the office at the regular general election, those party candidates equal in number to positions to  
709 be filled who receive the highest number of votes at the regular primary election are the

710 nominees of their party for those positions.

711 (c) A candidate who is unopposed for an elective office in the regular primary election  
712 of a registered political party is nominated by the party for that office without appearing on the  
713 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a  
714 certification under Subsection (3) for the regular primary election ballot of the candidate's  
715 registered political party for a particular elective office.

716 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
717 office that represents more than one county, the governor, lieutenant governor, and attorney  
718 general shall, at a public meeting called by the governor and in the presence of the candidates  
719 involved, select the nominee by lot cast in whatever manner the governor determines.

720 (b) When a tie vote occurs in any primary election for any county office, the district  
721 court judges of the district in which the county is located shall, at a public meeting called by  
722 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
723 whatever manner the judges determine.

724 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
725 primary election provided for by this section, and all expenses necessarily incurred in the  
726 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
727 county or state, in the same manner as for the regular general elections.

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

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

732 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
733 **political party.**

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

737 (2) Notwithstanding Subsection [20A-9-201\(4\)\(a\)](#), the form of the declaration of  
738 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
739 the nomination of, the qualified political party under this section shall be substantially as  
740 described in Section [20A-9-408.5](#).



741 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
742 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
743 nomination of the qualified political party for an elective office that is to be filled at the next  
744 general election shall:

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

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

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

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

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

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

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

759 (c) pay the filing fee.

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

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

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

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

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

772 (iv) the address and telephone number of the member; and  
773 (v) other information required by the lieutenant governor;  
774 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
775 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
776 regular general election; and  
777 (c) pay the filing fee.

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

783 (6) The lieutenant governor shall ensure that the certification described in Subsection  
784 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
785 under this section.

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

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

791 (a) complying with the requirements described in this section; and  
792 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
793 period beginning on January 1 of an even-numbered year and ending 14 days before the day on  
794 which the qualified political party's convention for the office is held, in the following amounts:

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

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

801 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
802 residents of the state Senate district and are permitted by the qualified political party to vote for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

842 (iii) determine whether each signer is a registered voter who is qualified to sign the  
843 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature  
844 on a petition;

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

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

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

854 Section 6. Section 20A-11-1303 is amended to read:

855 **20A-11-1303. School board office candidate and school board officeholder --**

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

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

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

860 (ii) for a contribution that is a check or other negotiable instrument, that the check or  
861 other negotiable instrument is negotiated; or

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

864 (b) As used in this Subsection (1), "campaign account" means a separate campaign

865 account required under Subsection [20A-11-1301\(1\)\(a\)\(i\)](#).

866 (c) Each school board office candidate shall file an interim report at the following  
867 times in any year in which the candidate has filed a declaration of candidacy for a public office:

868 ~~[(i) (A) seven days before the political convention for the political party of the school  
869 board office candidate; or]~~

870 ~~[(B) May 15, if the school board office candidate does not affiliate with a political  
871 party;]~~

872 (i) May 15;

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

874 (iii) September 30; and

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

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

880 ~~[(i) (A) seven days before the political convention for the political party of the school  
881 board officeholder; or]~~

882 ~~[(B) May 15, if the school board officeholder does not affiliate with a political party;]~~

883 (i) May 15;

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

885 (iii) September 30; and

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

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

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

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

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

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

895 (e) for each nonmonetary contribution:

- 896 (i) the fair market value of the contribution with that information provided by the  
897 contributor; and
- 898 (ii) a specific description of the contribution;
- 899 (f) a detailed listing of each expenditure made since the last summary report that has  
900 not been reported in detail on a prior interim report;
- 901 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 902 (h) a net balance for the year consisting of the net balance from the last summary  
903 report, if any, plus all receipts since the last summary report minus all expenditures since the  
904 last summary report;
- 905 (i) a summary page in the form required by the lieutenant governor that identifies:
- 906 (i) beginning balance;
- 907 (ii) total contributions during the period since the last statement;
- 908 (iii) total contributions to date;
- 909 (iv) total expenditures during the period since the last statement; and
- 910 (v) total expenditures to date; and
- 911 (j) the name of a political action committee for which the school board office candidate  
912 or school board officeholder is designated as an officer who has primary decision-making  
913 authority under Section [20A-11-601](#).
- 914 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported  
915 as of five days before the required filing date of the report.
- 916 (b) Any negotiable instrument or check received by a school board office candidate or  
917 school board officeholder more than five days before the required filing date of a report  
918 required by this section shall be included in the interim report.
- 919 Section 7. Section **20A-14-104.1** is amended to read:
- 920 **20A-14-104.1. State Board of Education -- Declaration of candidacy.**
- 921 (1) A person interested in becoming a candidate for the State Board of Education shall  
922 file a declaration of candidacy according to the procedures and requirements of Sections  
923 [20A-9-201](#) and [20A-9-202](#) on or after the second Friday in March, and before 5 p.m. on the  
924 third Thursday in March, before the next regular general election.
- 925 [~~(2) The office of State Board of Education member is a partisan office.~~]
- 926 (2) The lieutenant governor shall:

927           (a) if more than two candidates have filed for the same State Board of Education seat,  
928 place the names of all candidates for that seat on the nonpartisan section of the regular primary  
929 election ballot; and

930           (b) determine the order of the State Board of Education candidate's names on the  
931 regular primary election ballot in accordance with Section [20A-6-305](#).

932           Section 8. Section **20A-14-106** is amended to read:

933           **20A-14-106. Vacancies on the State Board of Education.**

934           Vacancies on the State Board of Education shall be filled as provided in Section

935 ~~[[20A-1-507](#)]~~ [20A-1-504](#).

936           Section 9. **Repealer.**

937           This bill repeals:

938           Section ~~[20A-1-507](#)~~, **Midterm vacancies in the State Board of Education.**

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**