

**SCHOOL BOARD ELECTIONS PROVISIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Nielson**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the election of the State Board of Education and local school boards.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the direct, nonpartisan election of members of the State Board of Education;
- ▶ repeals the involvement of the governor and the nominating and recruiting committee in the nomination of candidates for the State Board of Education;
- ▶ establishes the primary election for the State Board of Education and local school boards on the second Tuesday following the first Monday in August of an odd-numbered year;
- ▶ establishes the general election for the State Board of Education and local school boards on the first Tuesday after the first Monday in November of each odd-numbered year;
- ▶ designates a county clerk as the election officer for the election of the State Board of Education and local school boards;
- ▶ requires a notice for a school board election;
- ▶ establishes a ballot form for school board elections;



- 28           ▶ establishes declaration of candidacy requirements for school board elections;
- 29           ▶ establishes requirements for a school board primary election;
- 30           ▶ changes the dates of an interim report of campaign finances;
- 31           ▶ adjusts terms of current and future board members; and
- 32           ▶ makes conforming and technical amendments.

33 **Money Appropriated in this Bill:**

34           None

35 **Other Special Clauses:**

36           This bill takes effect January 1, 2014.

37 **Utah Code Sections Affected:**

38 AMENDS:

39           **20A-1-102**, as last amended by Laws of Utah 2012, Chapters 72, 251, 309, 359 and last  
40 amended by Coordination Clause, Laws of Utah 2012, Chapter 309

41           **20A-1-201**, as last amended by Laws of Utah 2000, Chapter 241

42           **20A-1-201.5**, as last amended by Laws of Utah 2011, Chapter 327

43           **20A-1-511**, as last amended by Laws of Utah 2012, Chapter 327

44           **20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395

45           **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

46           **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309

47           **20A-5-101**, as last amended by Laws of Utah 2011, Chapters 291 and 292

48           **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45

49           **20A-5-409**, as last amended by Laws of Utah 2011, Chapter 327

50           **20A-5-601**, as last amended by Laws of Utah 2007, Chapter 75

51           **20A-6-302**, as last amended by Laws of Utah 2011, Chapters 292 and 297

52           **20A-9-403**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

53           **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230

54           **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

55           **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347

56           **20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396

57           **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

58           **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

- 59            **20A-14-201**, as last amended by Laws of Utah 2011, Chapter 297
- 60            **20A-14-202**, as last amended by Laws of Utah 2011, Chapter 297
- 61            **20A-14-203**, as enacted by Laws of Utah 1995, Chapter 1
- 62            **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 63            **53A-1a-506**, as last amended by Laws of Utah 2012, Chapter 66
- 64            **53A-1a-506.5**, as last amended by Laws of Utah 2010, Chapter 162
- 65            **53A-2-119**, as last amended by Laws of Utah 2010, Chapter 230
- 66            **53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 67            **53A-3-301**, as last amended by Laws of Utah 2011, Chapters 209 and 322
- 68            **53A-11-102.5**, as last amended by Laws of Utah 2010, Chapter 210
- 69            **53A-15-1202**, as last amended by Laws of Utah 2012, Chapter 238

70 ENACTS:

- 71            **20A-1-201.1**, Utah Code Annotated 1953
- 72            **20A-6-301.5**, Utah Code Annotated 1953
- 73            **20A-9-203.5**, Utah Code Annotated 1953
- 74            **20A-9-405**, Utah Code Annotated 1953

75 REPEALS:

- 76            **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 77 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



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

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

81            **20A-1-102. Definitions.**

82            As used in this title:

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

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

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

89            (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

90 envelopes.

91 [~~5~~] (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

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

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

95 [~~6~~] (5) "Ballot proposition" means a question, issue, or proposal that is submitted to  
96 voters on the ballot for their approval or rejection including:

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

98 (b) a constitutional amendment;

99 (c) an initiative;

100 (d) a referendum;

101 (e) a bond proposition;

102 (f) a judicial retention question;

103 (g) an incorporation of a city or town; or

104 (h) any other ballot question specifically authorized by the Legislature.

105 [~~4~~] (6) "Ballot sheet":

106 (a) means a ballot that:

107 (i) consists of paper or a card where the voter's votes are marked or recorded; and

108 (ii) can be counted using automatic tabulating equipment; and

109 (b) includes punch card ballots and other ballots that are machine-countable.

110 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
111 together with a staple or stitch in at least three places across the top of the paper in the blank  
112 space reserved for securing the paper.

113 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
114 20A-4-306 to canvass election returns.

115 (9) "Bond election" means an election held for the purpose of approving or rejecting  
116 the proposed issuance of bonds by a government entity.

117 (10) "Book voter registration form" means voter registration forms contained in a  
118 bound book that are used by election officers and registration agents to register persons to vote.

119 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
120 charge by the sender.

121 (12) "By-mail voter registration form" means a voter registration form designed to be  
122 completed by the voter and mailed to the election officer.

123 (13) "Canvass" means the review of election returns and the official declaration of  
124 election results by the board of canvassers.

125 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
126 the canvass.

127 (15) "Contracting election officer" means an election officer who enters into a contract  
128 or interlocal agreement with a provider election officer.

129 (16) "Convention" means the political party convention at which party officers and  
130 delegates are selected.

131 (17) "Counting center" means one or more locations selected by the election officer in  
132 charge of the election for the automatic counting of ballots.

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

135 (19) "Counting poll watcher" means a person selected as provided in Section  
136 20A-3-201 to witness the counting of ballots.

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

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

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

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

145 (b) does not include:

146 (i) deadlines established for absentee voting; or

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

149 (23) "Elected official" means:

150 (a) a person elected to an office under Section 20A-1-303;

151 (b) a person who is considered to be elected to a municipal office in accordance with

152 Subsection 20A-1-206(1)(c)(ii); or

153 (c) a person who is considered to be elected to a local district office in accordance with  
154 Subsection 20A-1-206(3)(c)(ii).

155 (24) "Election" means a regular general election, a municipal general election, a school  
156 board general election, a statewide special election, a local special election, a regular primary  
157 election, a school board primary election, a municipal primary election, and a local district  
158 election.

159 (25) "Election Assistance Commission" means the commission established by Public  
160 Law 107-252, the Help America Vote Act of 2002.

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

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

- 164 (a) preside over other poll workers at a polling place;
- 165 (b) act as the presiding election judge; or
- 166 (c) serve as a canvassing judge, counting judge, or receiving judge.

167 (28) "Election officer" means:

- 168 (a) the lieutenant governor, for all statewide ballots and elections;
- 169 (b) the county clerk for:
  - 170 (i) a county ballot and election; ~~and~~
  - 171 (ii) a ballot and election as a provider election officer as provided in Section  
172 20A-5-400.1 or 20A-5-400.5;
- 173 (iii) a school board primary election; and
- 174 (iv) a school board general election;
- 175 (c) the municipal clerk for:
  - 176 (i) a municipal ballot and election; and
  - 177 (ii) a ballot and election as a provider election officer as provided in Section  
178 20A-5-400.1 or 20A-5-400.5;
- 179 (d) the local district clerk or chief executive officer for:
  - 180 (i) a local district ballot and election; and
  - 181 (ii) a ballot and election as a provider election officer as provided in Section  
182 20A-5-400.1 or 20A-5-400.5; or

- 183 (e) the business administrator or superintendent of a school district for:  
184 (i) a school district ballot and election; and  
185 (ii) a ballot and election as a provider election officer as provided in Section  
186 20A-5-400.1 or 20A-5-400.5.
- 187 (29) "Election official" means any election officer, election judge, or poll worker.  
188 (30) "Election results" means:  
189 (a) for an election other than a bond election, the count of votes cast in the election and  
190 the election returns requested by the board of canvassers; or  
191 (b) for bond elections, the count of those votes cast for and against the bond  
192 proposition plus any or all of the election returns that the board of canvassers may request.
- 193 (31) "Election returns" includes the pollbook, the military and overseas absentee voter  
194 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
195 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
196 form, and the total votes cast form.
- 197 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
198 device or other voting device that records and stores ballot information by electronic means.
- 199 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
200 or logically associated with a record and executed or adopted by a person with the intent to sign  
201 the record.
- 202 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.  
203 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 204 (35) "Inactive voter" means a registered voter who has:  
205 (a) been sent the notice required by Section 20A-2-306; and  
206 (b) failed to respond to that notice.
- 207 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
208 witness the receipt and safe deposit of voted and counted ballots.
- 209 (37) "Judicial office" means the office filled by any judicial officer.
- 210 (38) "Judicial officer" means any justice or judge of a court of record or any county  
211 court judge.
- 212 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
213 Local Government Entities - Local Districts, and includes a special service district under Title

214 17D, Chapter 1, Special Service District Act.

215 (40) "Local district officers" means those local district officers that are required by law  
216 to be elected.

217 (41) "Local election" means a regular municipal election, a local special election, a  
218 local district election, and a bond election.

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

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

224 (44) "Municipal executive" means:

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

227 (b) the mayor in the council-manager form of government defined in Subsection  
228 10-3b-103(6).

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

232 (46) "Municipal legislative body" means the council of the city or town in any form of  
233 municipal government.

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

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

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

239 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
240 workers to be given to voters to record their votes.

241 (51) "Official endorsement" means:

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

243 (i) the ballot as an official ballot;

244 (ii) the date of the election; and



245 (iii) the facsimile signature of the election officer; and

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

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

248 (ii) the ballot number.

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

251 (53) "Paper ballot" means a paper that contains:

252 (a) the names of offices and candidates and statements of ballot propositions to be  
253 voted on; and

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

256 (54) "Political party" means an organization of registered voters that has qualified to  
257 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
258 and Procedures.

259 (55) (a) "Poll worker" means a person assigned by an election official to assist with an  
260 election, voting, or counting votes.

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

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

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

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

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

268 [~~(62)~~] (59) "Primary convention" means the political party conventions at which  
269 nominees for the regular primary election are selected.

270 [~~(63)~~] (60) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

273 [~~(59)~~] (61) "Provider election officer" means an election officer who enters into a  
274 contract or interlocal agreement with a contracting election officer to conduct an election for  
275 the contracting election officer's local political subdivision in accordance with Section

276 20A-5-400.1.

277 ~~[(60)]~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

281 ~~[(61)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form  
282 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
283 information to verify a person's legal right to vote.

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

286 (65) "Receiving judge" means the poll worker that checks the voter's name in the  
287 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
288 after the voter has voted.

289 (66) "Registration form" means a book voter registration form and a by-mail voter  
290 registration form.

291 (67) "Regular ballot" means a ballot that is not a provisional ballot.

292 (68) "Regular general election" means the election held throughout the state on the first  
293 Tuesday after the first Monday in November of each even-numbered year for the purposes  
294 established in Section 20A-1-201.

295 (69) "Regular primary election" means the election on the fourth Tuesday of June of  
296 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to  
297 advance to the regular general election.

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

299 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
300 and distributed as provided in Section 20A-5-405.

301 (72) "School board general election" means the election established by Section  
302 20A-1-201.1 that is held throughout the state for the office of a State Board of Education  
303 member and the office of a local school board member.

304 (73) "School board primary election" means the election established by Sections  
305 20A-1-201.5 and 20A-9-405 that is held, if necessary, to nominate candidates for the school  
306 board general election.

307           ~~[(72)]~~ (74) "Scratch vote" means to mark or punch the straight party ticket and then  
308 mark or punch the ballot for one or more candidates who are members of different political  
309 parties.

310           ~~[(73)]~~ (75) "Secrecy envelope" means the envelope given to a voter along with the  
311 ballot into which the voter places the ballot after the voter has voted it in order to preserve the  
312 secrecy of the voter's vote.

313           ~~[(74)]~~ (76) "Special election" means an election held as authorized by Section  
314 20A-1-204.

315           ~~[(75)]~~ (77) "Spoiled ballot" means each ballot that:

- 316           (a) is spoiled by the voter;  
317           (b) is unable to be voted because it was spoiled by the printer or a poll worker; or  
318           (c) lacks the official endorsement.

319           ~~[(76)]~~ (78) "Statewide special election" means a special election called by the governor  
320 or the Legislature in which all registered voters in Utah may vote.

321           ~~[(77)]~~ (79) "Stub" means the detachable part of each ballot.

322           ~~[(78)]~~ (80) "Substitute ballots" means replacement ballots provided by an election  
323 officer to the poll workers when the official ballots are lost or stolen.

324           ~~[(79)]~~ (81) "Ticket" means each list of candidates for each political party or for each  
325 group of petitioners.

326           ~~[(80)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the  
327 counting center.

328           ~~[(81)]~~ (83) "Vacancy" means the absence of a person to serve in any position created  
329 by statute, whether that absence occurs because of death, disability, disqualification,  
330 resignation, or other cause.

331           ~~[(82)]~~ (84) "Valid voter identification" means:

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

- 334           (i) a currently valid Utah driver license;  
335           (ii) a currently valid identification card that is issued by:  
336           (A) the state; or  
337           (B) a branch, department, or agency of the United States;

338 (iii) a currently valid Utah permit to carry a concealed weapon;  
339 (iv) a currently valid United States passport; or  
340 (v) a currently valid United States military identification card;  
341 (b) one of the following identification cards, whether or not the card includes a  
342 photograph of the voter:  
343 (i) a valid tribal identification card;  
344 (ii) a Bureau of Indian Affairs card; or  
345 (iii) a tribal treaty card; or  
346 (c) two forms of identification not listed under Subsection [~~(82)~~] (84)(a) or (b) but that  
347 bear the name of the voter and provide evidence that the voter resides in the voting precinct,  
348 which may include:  
349 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
350 election;  
351 (ii) a bank or other financial account statement, or a legible copy thereof;  
352 (iii) a certified birth certificate;  
353 (iv) a valid Social Security card;  
354 (v) a check issued by the state or the federal government or a legible copy thereof;  
355 (vi) a paycheck from the voter's employer, or a legible copy thereof;  
356 (vii) a currently valid Utah hunting or fishing license;  
357 (viii) certified naturalization documentation;  
358 (ix) a currently valid license issued by an authorized agency of the United States;  
359 (x) a certified copy of court records showing the voter's adoption or name change;  
360 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;  
361 (xii) a currently valid identification card issued by:  
362 (A) a local government within the state;  
363 (B) an employer for an employee; or  
364 (C) a college, university, technical school, or professional school located within the  
365 state; or  
366 (xiii) a current Utah vehicle registration.  
367 [~~(83)~~] (85) "Valid write-in candidate" means a candidate who has qualified as a  
368 write-in candidate by following the procedures and requirements of this title.

369            [~~(84)~~] (86) "Voter" means a person who:

370            (a) meets the requirements for voting in an election;

371            (b) meets the requirements of election registration;

372            (c) is registered to vote; and

373            (d) is listed in the official register book.

374            [~~(85)~~] (87) "Voter registration deadline" means the registration deadline provided in  
375 Section 20A-2-102.5.

376            [~~(86)~~] (88) "Voting area" means the area within six feet of the voting booths, voting  
377 machines, and ballot box.

378            [~~(87)~~] (89) "Voting booth" means:

379            (a) the space or compartment within a polling place that is provided for the preparation  
380 of ballots, including the voting machine enclosure or curtain; or

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

382            [~~(88)~~] (90) "Voting device" means:

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

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

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

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

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

391            [~~(89)~~] (91) "Voting machine" means a machine designed for the sole purpose of  
392 recording and tabulating votes cast by voters at an election.

393            [~~(90)~~] (92) "Voting poll watcher" means a person appointed as provided in this title to  
394 witness the distribution of ballots and the voting process.

395            [~~(91)~~] (93) "Voting precinct" means the smallest voting unit established as provided by  
396 law within which qualified voters vote at one polling place.

397            [~~(92)~~] (94) "Watcher" means a voting poll watcher, a counting poll watcher, an  
398 inspecting poll watcher, and a testing watcher.

399            [~~(93)~~] (95) "Western States Presidential Primary" means the election established in

400 Chapter 9, Part 8, Western States Presidential Primary.

401 [~~94~~] (96) "Write-in ballot" means a ballot containing any write-in votes.

402 [~~95~~] (97) "Write-in vote" means a vote cast for a person whose name is not printed on  
403 the ballot according to the procedures established in this title.

404 Section 2. Section **20A-1-201** is amended to read:

405 **20A-1-201. Date and purpose of regular general elections.**

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

408 (2) At the regular general election, the voters shall:

409 (a) choose persons to serve the terms established by law for the following offices:

410 (i) electors of President and Vice President of the United States;

411 (ii) United States Senators;

412 (iii) Representatives to the United States Congress;

413 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

414 (v) senators and representatives to the Utah Legislature;

415 (vi) county officers; and

416 [~~(vii) State School Board members;~~]

417 [~~(viii) local school board members; and~~]

418 [~~(ix)~~] (vii) any elected judicial officers; and

419 (b) approve or reject:

420 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot  
421 under procedures established in the Utah Code;

422 (ii) any proposed initiatives or referenda that have qualified for the ballot under  
423 procedures established in the Utah Code; and

424 (iii) any other ballot propositions submitted to the voters that are authorized by the  
425 Utah Code.

426 Section 3. Section **20A-1-201.1** is enacted to read:

427 **20A-1-201.1. Date and purpose of school board general election.**

428 (1) A school board general election shall be held throughout the state on the first  
429 Tuesday after the first Monday in November of each odd-numbered year.

430 (2) At the school board general election, the voters shall elect a person to serve as a

431 member of:

432 (a) the State Board of Education for the term established by Title 20A, Chapter 14, Part  
433 1, State Board of Education; and

434 (b) a local school board for the term established by Title 20A, Chapter 14, Part 2, Local  
435 School Boards.

436 Section 4. Section **20A-1-201.5** is amended to read:

437 **20A-1-201.5. Primary election dates.**

438 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
439 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for  
440 national, state, [~~school board,~~] and county offices.

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

444 (3) The Western States Presidential Primary election shall be held throughout the state  
445 on the first Tuesday in February in the year in which a presidential election will be held.

446 (4) A school board primary election shall be held on the second Tuesday following the  
447 first Monday in August of an odd-numbered year as provided in Section 20A-9-405 to  
448 nominate candidates for the school board general election.

449 Section 5. Section **20A-1-511** is amended to read:

450 **20A-1-511. Midterm vacancies on local school boards.**

451 (1) (a) A local school board shall fill vacancies on the board by appointment, except as  
452 otherwise provided in Subsection (2).

453 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the  
454 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by  
455 appointment.

456 (c) A member appointed and qualified under this subsection shall serve until a  
457 successor is elected or appointed and qualified.

458 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by  
459 an election to fill a two-year term if:

460 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,  
461 at least 14 days before the deadline for filing a declaration of candidacy; and

462 (ii) two years of the vacated term will remain after the first Monday of January  
463 following the next school board general election.

464 (b) Members elected under this subsection shall serve for the remaining [~~two years of~~  
465 ~~the~~] vacated term and until a successor is elected and qualified.

466 (3) Before appointing a person to fill a vacancy under this section, the local school  
467 board shall:

468 (a) give public notice of the vacancy at least two weeks before the local school board  
469 meets to fill the vacancy;

470 (b) identify, in the notice:

471 (i) the date, time, and place of the meeting where the vacancy will be filled; and

472 (ii) the person to whom a person interested in being appointed to fill the vacancy may  
473 submit [~~his~~] the person's name for consideration and any deadline for submitting it; and

474 (c) in an open meeting, interview each person whose name was submitted for  
475 consideration and meets the qualifications for office regarding the person's qualifications.

476 Section 6. Section **20A-2-101** is amended to read:

477 **20A-2-101. Eligibility for registration.**

478 (1) Except as provided in Subsection (2), any person may apply to register to vote in an  
479 election who:

480 (a) is a citizen of the United States;

481 (b) has been a resident of Utah for at least the 30 days immediately before the election;

482 (c) will be at least 18 years old on the day of the election; and

483 (d) currently resides within the voting district or precinct in which the person applies to  
484 register to vote.

485 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or  
486 other facility within a voting precinct is not a resident of that voting precinct and may not  
487 register to vote in that voting precinct unless the person was a resident of that voting precinct  
488 before the confinement or incarceration.

489 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident  
490 of the voting precinct in which the person resided before the confinement or incarceration.

491 (b) A person who has been convicted of a felony or a misdemeanor for an offense  
492 under this title may not register to vote or remain registered to vote unless the person's right to



493 vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

494 (c) A person whose right to vote has been restored, as provided in Section 20A-2-101.3  
495 or 20A-2-101.5, is eligible to register to vote.

496 (3) A person who is eligible to vote and who resides within the geographic boundaries  
497 of the entity in which the election is held may register to vote in a:

498 (a) regular general election;

499 (b) regular primary election;

500 (c) school board general election;

501 (d) school board primary election;

502 [~~(e)~~] (e) municipal general election;

503 [~~(f)~~] (f) municipal primary election;

504 [~~(g)~~] (g) statewide special election;

505 [~~(h)~~] (h) local special election;

506 [~~(i)~~] (i) local district election; and

507 [~~(j)~~] (j) bond election.

508 Section 7. Section **20A-2-102** is amended to read:

509 **20A-2-102. Registration a prerequisite to voting.**

510 (1) Except as provided in Subsection (2), a person may not vote at any election unless  
511 that person is registered to vote as required by this chapter.

512 (2) A person may vote a provisional ballot as provided in Section 20A-2-307 for:

513 (a) a regular general election;

514 (b) a regular primary election; [~~or~~]

515 (c) a school board general election;

516 (d) a school board primary election; or

517 [~~(e)~~] (e) an election for federal office.

518 Section 8. Section **20A-4-304** is amended to read:

519 **20A-4-304. Declaration of results -- Canvassers' report.**

520 (1) Each board of canvassers shall:

521 (a) declare "elected" or "nominated" those persons who:

522 (i) had the highest number of votes; and

523 (ii) sought election or nomination to an office completely within the board's

524 jurisdiction;

525 (b) declare:

526 (i) "approved" those ballot propositions that:

527 (A) had more "yes" votes than "no" votes; and

528 (B) were submitted only to the voters within the board's jurisdiction;

529 (ii) "rejected" those ballot propositions that:

530 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

531 votes; and

532 (B) were submitted only to the voters within the board's jurisdiction;

533 (c) certify the vote totals for persons and for and against ballot propositions that were  
534 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
535 the lieutenant governor; and

536 (d) if applicable, certify the results of each local district election to the local district  
537 clerk.

538 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the  
539 result, which shall contain:

540 (i) the total number of votes cast in the board's jurisdiction;

541 (ii) the names of each candidate whose name appeared on the ballot;

542 (iii) the title of each ballot proposition that appeared on the ballot;

543 (iv) each office that appeared on the ballot;

544 (v) from each voting precinct:

545 (A) the number of votes for each candidate; and

546 (B) the number of votes for and against each ballot proposition;

547 (vi) the total number of votes given in the board's jurisdiction to each candidate, and  
548 for and against each ballot proposition;

549 (vii) the number of ballots that were rejected; and

550 (viii) a statement certifying that the information contained in the report is accurate.

551 (b) The election officer and the board of canvassers shall:

552 (i) review the report to ensure that it is correct; and

553 (ii) sign the report.

554 (c) The election officer shall:

- 555 (i) record or file the certified report in a book kept for that purpose;
- 556 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
557 to each nominated or elected candidate;
- 558 (iii) publish a copy of the certified report:
- 559 (A) in one or more conspicuous places within the jurisdiction;
- 560 (B) in a conspicuous place on the county's website; and
- 561 (C) in a newspaper with general circulation in the board's jurisdiction; and
- 562 (iv) file a copy of the certified report with the lieutenant governor.
- 563 (3) When there has been a regular general election, a school board general election, or  
564 a statewide special election for statewide officers, for officers that appear on the ballot in more  
565 than one county, or for a statewide or two or more county ballot proposition, each board of  
566 canvassers shall:
- 567 (a) prepare a separate report detailing the number of votes for each candidate and the  
568 number of votes for and against each ballot proposition; and
- 569 (b) transmit it by registered mail to the lieutenant governor.
- 570 (4) In each county election, municipal election, school election, school board general  
571 election to elect a local school board member, local district election, and local special election,  
572 the election officer shall transmit the reports to the lieutenant governor within 14 days after the  
573 date of the election.
- 574 (5) In regular primary elections, a school board primary election, and in the Western  
575 States Presidential Primary, the board shall transmit to the lieutenant governor:
- 576 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
577 governor:
- 578 (i) not later than the second Tuesday after the primary election for:
- 579 (A) the regular primary election; and
- 580 (B) the school board primary election; and
- 581 (ii) not later than the Tuesday following the election for the Western States Presidential  
582 Primary; and
- 583 (b) a complete tabulation showing voting totals for all primary races, precinct by  
584 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
585 primary election.

586 Section 9. Section **20A-5-101** is amended to read:

587 **20A-5-101. Notice of election.**

588 (1) ~~(a)~~ On or before February 1 in each regular general election year, the lieutenant  
589 governor shall prepare and transmit a written notice to each county clerk that:

590 ~~[(a)]~~ (i) designates the offices to be filled at the regular general election;

591 ~~[(b)]~~ (ii) identifies the dates for filing a declaration of candidacy for those offices;

592 ~~[(c)]~~ (iii) includes the master ballot position list for the current year and the next year  
593 as established under Section 20A-6-305; and

594 ~~[(d)]~~ (iv) contains a description of any ballot propositions to be decided by the voters  
595 that have qualified for the ballot as of that date.

596 (b) On or before February 1 in each school board general election year, the lieutenant  
597 governor shall prepare and transmit a written notice to each county clerk that:

598 (i) designates the offices to be filled at the school board general election;

599 (ii) identifies the dates for filing a declaration of candidacy for those offices; and

600 (iii) includes the master ballot position list as established under Section 20A-6-305.

601 (2) (a) No later than February 15, each county clerk shall:

602 (i) publish a notice:

603 (A) once in a newspaper published in that county; and

604 (B) as required in Section 45-1-101; or

605 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to  
606 give notice of the election to the voters in each voting precinct within the county; and

607 (B) prepare an affidavit of that posting, showing a copy of the notice and the places  
608 where the notice was posted.

609 (b) The notice required by Subsection (2)(a) shall:

610 (i) designate the offices to be voted on in that election in that county, other than local  
611 district offices; and

612 (ii) identify the dates for filing a declaration of candidacy for those offices.

613 (3) Before each election, the election officer shall give written or printed notice of:

614 (a) the date and place of election;

615 (b) the hours during which the polls will be open;

616 (c) the polling places for each voting precinct;

617 (d) an election day voting center designated under Section 20A-3-703; and

618 (e) the qualifications for persons to vote in the election.

619 (4) To provide the notice required by Subsection (3), the election officer shall publish  
620 the notice at least two days before the election:

621 (a) in a newspaper of general circulation common to the area or in which the election is  
622 being held; and

623 (b) as required in Section 45-1-101.

624 Section 10. Section **20A-5-401** is amended to read:

625 **20A-5-401. Official register -- Preparation -- Contents.**

626 (1) (a) Before the registration days for each regular general[;] election, school board  
627 general election, municipal general election, regular primary[;] election, school board primary  
628 election, municipal primary election, or Western States Presidential Primary election, each  
629 county clerk shall prepare an official register of voters for each voting precinct that will  
630 participate in the election.

631 (b) The county clerk shall ensure that the official register is prepared for the  
632 alphabetical entry of names and contains entry fields to provide for the following information:

633 (i) registered voter's name;

634 (ii) party affiliation;

635 (iii) grounds for challenge;

636 (iv) name of person challenging a voter;

637 (v) primary, November, special;

638 (vi) date of birth;

639 (vii) place of birth;

640 (viii) place of current residence;

641 (ix) street address;

642 (x) zip code;

643 (xi) identification and provisional ballot information as required under Subsection

644 (1)(d); and

645 (xii) space for the voter to sign [~~his~~] the voter's name for each election.

646 (c) When preparing the official register for the Western States Presidential Primary, the  
647 county clerk shall include:

648 (i) an entry field to record the name of the political party whose ballot the voter voted;  
649 and

650 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

651 (d) When preparing the official register for any regular general election, school board  
652 general election, municipal general election, statewide special election, local special election,  
653 regular primary election, school board primary election, municipal primary election, local  
654 district election, or election for federal office, the county clerk shall include:

655 (i) an entry field for the poll worker to record the type of identification provided by the  
656 voter;

657 (ii) a column for the poll worker to record the provisional envelope ballot number for  
658 voters who receive a provisional ballot; and

659 (iii) a space for the poll worker to record the type of identification that was provided by  
660 voters who receive a provisional ballot.

661 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal  
662 elections, local district elections, and bond elections, the county clerk shall make an official  
663 register only for voting precincts affected by the primary, municipal, local district, or bond  
664 election.

665 (ii) If a polling place to be used in a bond election serves both voters residing in the  
666 local political subdivision calling the bond election and voters residing outside of that local  
667 political subdivision, the official register shall designate whether each voter resides in or  
668 outside of the local political subdivision.

669 (iii) Each county clerk, with the assistance of the clerk of each affected local district,  
670 shall provide a detailed map or an indication on the registration list or other means to enable a  
671 poll worker to determine the voters entitled to vote at an election of local district officers.

672 (b) Municipalities shall pay the costs of making the official register for municipal  
673 elections.

674 Section 11. Section **20A-5-409** is amended to read:

675 **20A-5-409. Certification of candidates to county clerks.**

676 (1) No later than August 31 of each regular general election year, the lieutenant  
677 governor shall certify to each county clerk the name of each candidate qualified to be printed  
678 on the regular general election ballot for that county clerk's county.

679           (2) No later than August 31 of each school board general election year, the lieutenant  
680 governor shall certify to each county clerk the name of each candidate qualified to be printed  
681 on the school board general election ballot for that county clerk's county.

682           Section 12. Section **20A-5-601** is amended to read:

683           **20A-5-601. Poll workers -- Appointment for regular general elections, school**  
684 **board general elections, and primary elections.**

685           (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the  
686 county chair of each registered political party a list of the number of poll workers that the party  
687 must nominate for each voting precinct.

688           (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each  
689 registered political party shall file a list with the county clerk containing, for each voting  
690 precinct, the names of registered voters in the county who are willing to be poll workers and  
691 who are competent and trustworthy.

692           (ii) The county chair and secretary shall submit, for each voting precinct, names equal  
693 in number to the number required by the county clerk plus one.

694           (2) Each county legislative body shall provide for the appointment of persons to serve  
695 as poll workers at the regular primary election, the school board primary election, the regular  
696 general election, the school board general election, and the Western States Presidential  
697 Primary.

698           (3) For regular general elections, each county legislative body shall provide for the  
699 appointment of:

700           (a) (i) three registered voters from the list to serve as receiving judges for each voting  
701 precinct when ballots will be counted after the polls close; or

702           (ii) three registered voters from the list to serve as receiving judges in each voting  
703 precinct and three registered voters from the list to serve as counting judges in each voting  
704 precinct when ballots will be counted throughout election day; and

705           (b) three registered voters from the list for each 100 absentee ballots to be counted to  
706 serve as canvassing judges.

707           (4) For regular primary elections and for the Western States Presidential Primary  
708 election, each county legislative body shall provide for the appointment of:

709           (a) (i) two or three registered voters, or one or two registered voters and one person 17

710 years old who will be 18 years old by the date of the next regular general election, from the list  
711 to serve as receiving judges for each voting precinct when ballots will be counted after the  
712 polls close; or

713 (ii) two or three registered voters, or one or two registered voters and one person 17  
714 years old who will be 18 years old by the date of the next regular general election, from the list  
715 to serve as receiving judges in each voting precinct and two or three registered voters, or one or  
716 two registered voters and one person 17 years old who will be 18 years old by the date of the  
717 next regular general election, from the list to serve as counting judges in each voting precinct  
718 when ballots will be counted throughout election day; and

719 (b) two or three registered voters, or one or two registered voters and one person 17  
720 years old who will be 18 years old by the date of the next regular general election, from the list  
721 for each 100 absentee ballots to be counted to serve as canvassing judges.

722 (5) For a school board primary election and a school board general election, a county  
723 legislative body shall provide for the appointment of:

724 (a) in jurisdictions using paper ballots:

725 (i) three registered voters, or two registered voters and one person 17 years old who  
726 will be 18 years old by election day, who reside within the county, to serve as poll workers for  
727 each voting precinct when the ballots will be counted after the polls close; or

728 (ii) three registered voters, or two registered voters and one person 17 years old who  
729 will be 18 years old by election day, who reside within the county, to serve as receiving judges  
730 in each voting precinct and three registered voters, or two registered voters and one person 17  
731 years old who will be 18 years old by election day, who reside within the county, to serve as  
732 counting judges in each voting precinct when ballots will be counted throughout election day;

733 (b) in jurisdictions using automated tabulating equipment, three registered voters, or  
734 two registered voters and one person 17 years old who will be 18 years old by election day,  
735 who reside within the county, to serve as poll workers for each voting precinct;

736 (c) in jurisdictions using voting machines, four registered voters, or three registered  
737 voters and one person 17 years old who will be 18 years old by election day, who reside within  
738 the county, to serve as poll workers for each voting precinct; and

739 (d) in all jurisdictions:

740 (i) at least one registered voter who resides within the county to serve as canvassing



741 judge, if necessary; and

742 (ii) as many alternate poll workers as needed to replace appointed poll workers who are  
743 unable to serve.

744 (6) The county clerk shall:

745 (a) prepare and file a list containing the name, address, voting precinct, and telephone  
746 number of each person appointed under Subsection (5); and

747 (b) make the list available in the county clerk's office for inspection, examination, and  
748 copying during business hours.

749 [~~5~~] (7) Each county legislative body may provide for the appointment of:

750 (a) three registered voters from the list to serve as inspecting judges at the regular  
751 general election or school board general election to observe the clerk's receipt and deposit of  
752 the ballots for safekeeping; and

753 (b) two or three registered voters, or one or two registered voters and one person 17  
754 years old who will be 18 years old by the date of the next regular general election or school  
755 board general election, from the list, to serve as inspecting judges at the regular primary  
756 election or school board general election to observe the clerk's receipt and deposit of the ballots  
757 for safekeeping.

758 [~~6~~] (8) (a) For each set of three counting or receiving judges to be appointed for each  
759 voting precinct for the regular primary election, the regular general election, and the Western  
760 States Presidential Primary election, the county legislative body shall ensure that:

761 (i) two judges are appointed from the political party that cast the highest number of  
762 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
763 excluding votes for unopposed candidates, in the voting precinct at the last regular general  
764 election before the appointment of the election judges; and

765 (ii) one judge is appointed from the political party that cast the second highest number  
766 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
767 excluding votes for unopposed candidates, in the voting precinct at the last regular general  
768 election before the appointment of the election judges.

769 (b) For each set of two counting or receiving judges to be appointed for each voting  
770 precinct for the regular primary election and Western States Presidential Primary election, the  
771 county legislative body shall ensure that:

772 (i) one judge is appointed from the political party that cast the highest number of votes  
773 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding  
774 votes for unopposed candidates, in the voting precinct at the last regular general election before  
775 the appointment of the election judges; and

776 (ii) one judge is appointed from the political party that cast the second highest number  
777 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
778 excluding votes for unopposed candidates, in the voting precinct at the last regular general  
779 election before the appointment of the election judges.

780 ~~[(7)]~~ (9) When the voting precinct boundaries have been changed since the last regular  
781 general election, the county legislative body shall ensure that:

782 (a) for the regular primary election and the Western States Presidential Primary  
783 election, when the county legislative body is using three receiving, counting, and canvassing  
784 judges, and regular general election, not more than two of the judges are selected from the  
785 political party that cast the highest number of votes for the offices of governor, lieutenant  
786 governor, attorney general, state auditor, and state treasurer in the territory that formed the  
787 voting precinct at the time of appointment; and

788 (b) for the regular primary election and the Western States Presidential Primary  
789 election, when the county legislative body is using two receiving, counting, and canvassing  
790 judges, not more than one of the judges is selected from the political party that cast the highest  
791 number of votes for the offices of governor, lieutenant governor, attorney general, state auditor,  
792 and state treasurer in the territory that formed the voting precinct at the time of appointment.

793 ~~[(8)]~~ (10) The county legislative body shall provide for the appointment of any  
794 qualified county voter as an election judge when:

795 (a) a political party fails to file the poll worker list by the filing deadline; or

796 (b) the list is incomplete.

797 ~~[(9)]~~ (11) A registered voter of the county may serve as a poll worker in any voting  
798 precinct of the county.

799 ~~[(10)]~~ (12) If a person serves as a poll worker outside the voting precinct where the  
800 person is registered, that person may vote an absentee voter ballot.

801 ~~[(11)]~~ (13) The county clerk shall fill all poll worker vacancies.

802 ~~[(12)]~~ (14) If a conflict arises over the right to certify the poll worker lists for any

803 political party, the county legislative body may decide between conflicting lists, but may only  
804 select names from a properly submitted list.

805 ~~[(13)]~~ (15) The county legislative body shall establish compensation for poll workers.

806 ~~[(14)]~~ (16) The county clerk may appoint additional poll workers to serve in the polling  
807 place as needed.

808 Section 13. Section **20A-6-301.5** is enacted to read:

809 **20A-6-301.5. Paper ballots -- School board general election.**

810 (1) A ballot furnished for use at a school board primary election or school board  
811 general election shall contain:

812 (a) no caption or other endorsement except as provided in this section;

813 (b) (i) a ballot stub at least one inch wide, placed across the top of the ballot, and  
814 divided from the rest of ballot by a perforated line;

815 (ii) the ballot number and the words "Poll Worker's Initials \_\_\_\_\_" on the stub; and

816 (iii) a consecutively numbered ballot stub; and

817 (c) immediately below the perforated ballot stub, the following endorsements printed in  
818 18-point bold type:

819 (i) "Official Ballot for \_\_\_\_\_ County, Utah";

820 (ii) the date of the election; and

821 (iii) a facsimile of the signature of the county clerk and the words "county clerk."

822 (2) A ballot furnished for use at a school board primary election or school board  
823 general election shall have:

824 (a) the word "NONPARTISAN" in reverse type in an 18-point solid rule running  
825 vertically the full length of the ballot;

826 (b) columns containing the lists of candidates, separated by heavy parallel lines;

827 (c) the offices to be filled plainly printed:

828 (i) in type not smaller than eight point;

829 (ii) immediately above the names of the candidates for those offices; and

830 (iii) flush with the left-hand margin;

831 (d) the names of candidates printed in capital letters, not less than one-eighth nor more  
832 than one-fourth of an inch high in heavy-faced type not smaller than 10-point, between lines or  
833 rules three-eighths of an inch apart;

834 (e) a square with sides measuring not less than one-fourth of an inch in length printed  
835 immediately adjacent to the name of each candidate; and

836 (f) (i) for each office on the ballot for the school board general election, the office to be  
837 filled plainly printed immediately above a blank, horizontal line to enable the entry of a valid  
838 write-in candidate and a square with sides measuring not less than one-fourth of an inch in  
839 length printed immediately adjacent to the blank horizontal line; and

840 (ii) the words "Write-in Voting Column" printed at the head of the column without a  
841 one-half inch circle.

842 (3) The election officer shall ensure that:

843 (a) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for  
844 which the voter may vote)" extend to the extreme right of the column;

845 (b) the candidates are grouped according to the office for which they are candidates;  
846 and

847 (c) the names in each group are placed in the order specified under Section 20A-6-305  
848 with the surnames last.

849 Section 14. Section **20A-6-302** is amended to read:

850 **20A-6-302. Paper ballots -- Placement of candidates' names.**

851 (1) Each election officer shall ensure, for paper ballots in regular general elections or a  
852 school board general election, that:

853 (a) each candidate is listed by party, if applicable;

854 (b) candidates' surnames are listed in alphabetical order on the ballots when two or  
855 more candidates' names are required to be listed on a ticket under the title of an office; and

856 (c) the names of candidates are placed on the ballot in the order specified under Section  
857 20A-6-305.

858 (2) (a) The election officer may not allow the name of a candidate who dies or  
859 withdraws before election day to be printed upon the ballots.

860 (b) If the ballots have already been printed, the election officer:

861 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a  
862 line through the candidate's name before the ballots are delivered to voters; and

863 (ii) may not count any votes for that dead or withdrawn candidate.

864 (3) (a) When there is only one candidate for county attorney at the regular general

865 election in counties that have three or fewer registered voters of the county who are licensed  
866 active members in good standing of the Utah State Bar, the county clerk shall cause that  
867 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
868 with the following question: "Shall (name of candidate) be elected to the office of county  
869 attorney? Yes \_\_\_\_ No \_\_\_\_."

870 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
871 elected to the office of county attorney.

872 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
873 elected and may not take office, nor may the candidate continue in the office past the end of the  
874 term resulting from any prior election or appointment.

875 (d) When the name of only one candidate for county attorney is printed on the ballot  
876 under authority of this Subsection (3), the county clerk may not count any write-in votes  
877 received for the office of county attorney.

878 (e) If no qualified person files for the office of county attorney or if the candidate is not  
879 elected by the voters, the county legislative body shall appoint the county attorney as provided  
880 in Section 20A-1-509.2.

881 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
882 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
883 two consecutive terms immediately preceding the term for which the candidate is seeking  
884 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an  
885 unopposed candidate the same as any other unopposed candidate for another office, unless a  
886 petition is filed with the county clerk before the date of that year's primary election that:

887 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

888 (ii) contains the signatures of registered voters in the county representing in number at  
889 least 25% of all votes cast in the county for all candidates for governor at the last election at  
890 which a governor was elected.

891 (4) (a) When there is only one candidate for district attorney at the regular general  
892 election in a prosecution district that has three or fewer registered voters of the district who are  
893 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
894 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
895 ballot with the following question: "Shall (name of candidate) be elected to the office of district

896 attorney? Yes \_\_\_\_ No \_\_\_\_."

897 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
898 elected to the office of district attorney.

899 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
900 elected and may not take office, nor may the candidate continue in the office past the end of the  
901 term resulting from any prior election or appointment.

902 (d) When the name of only one candidate for district attorney is printed on the ballot  
903 under authority of this Subsection (4), the county clerk may not count any write-in votes  
904 received for the office of district attorney.

905 (e) If no qualified person files for the office of district attorney, or if the only candidate  
906 is not elected by the voters under this subsection, the county legislative body shall appoint a  
907 new district attorney for a four-year term as provided in Section 20A-1-509.2.

908 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on  
909 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the  
910 two consecutive terms immediately preceding the term for which the candidate is seeking  
911 election, Subsection (4)(a) does not apply and that candidate shall be considered to be an  
912 unopposed candidate the same as any other unopposed candidate for another office, unless a  
913 petition is filed with the county clerk before the date of that year's primary election that:

- 914 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and
- 915 (ii) contains the signatures of registered voters in the county representing in number at  
916 least 25% of all votes cast in the county for all candidates for governor at the last election at  
917 which a governor was elected.

918 Section 15. Section **20A-9-203.5** is enacted to read:

919 **20A-9-203.5. Declarations of candidacy for school board general elections --**

920 **Requirements for candidates.**

921 (1) Each person seeking to become a candidate for the office of local school board  
922 member that is to be filled at the next school board general election shall:

923 (a) file a declaration of candidacy in person with the county clerk on or after June 1 and  
924 before 5 p.m. on June 15 before the next school general election; and

925 (b) pay the filing fee.

926 (2) (a) Each person intending to become a candidate for the office of a State Board of

927 Education member that is to be filled at the next school general election shall:

928 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
929 county clerk in the candidate's county of residence on or after June 1 and before 5 p.m. on June  
930 15 before the next school board general election; and

931 (ii) pay the filing fee.

932 (b) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
933 the office of a State Board of Education member shall transmit the filing fee and a copy of the  
934 candidate's declaration of candidacy to the lieutenant governor within one business day after  
935 the declaration is filed.

936 (ii) Each day during the filing period, each county clerk shall notify the lieutenant  
937 governor electronically or by telephone of State Board of Education candidates who have filed  
938 in the county clerk's office.

939 (3) (a) A declaration of candidacy filed under this section is valid unless a written  
940 objection is filed with the county clerk or lieutenant governor within five days after the last day  
941 for filing.

942 (b) If an objection is made, the county clerk or lieutenant governor shall:

943 (i) mail or personally deliver notice of the objection to the affected candidate  
944 immediately; and

945 (ii) decide any objection within 48 hours after the objection is filed.

946 (c) If the county clerk or lieutenant governor sustains the objection, the candidate may  
947 cure the problem by amending the declaration within three days after the objection is sustained  
948 or by filing a new declaration within three days after the objection is sustained.

949 (d) (i) The county clerk's or lieutenant governor's decision upon objections to form is  
950 final.

951 (ii) The county clerk's or lieutenant governor's decision upon substantive matters is  
952 reviewable by a district court if prompt application is made to the court.

953 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
954 of its discretion, agrees to review the lower court decision.

955 (4) Any person who filed a declaration of candidacy may withdraw as a candidate by  
956 filing a written affidavit with the county clerk or lieutenant governor.

957 Section 16. Section **20A-9-403** is amended to read:

958           **20A-9-403. Regular primary elections.**

959           (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular  
960 primary election day.

961           (b) Each registered political party that chooses to use the primary election process to  
962 nominate some or all of its candidates shall comply with the requirements of this section.

963           (2) (a) As a condition for using the state's election system, each registered political  
964 party that wishes to participate in the primary election shall:

965           (i) declare their intent to participate in the primary election;

966           (ii) identify one or more registered political parties whose members may vote for the  
967 registered political party's candidates and whether or not persons identified as unaffiliated with  
968 a political party may vote for the registered political party's candidates; and

969           (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1  
970 of each even-numbered year.

971           (b) As a condition for using the state's election system, each registered political party  
972 that wishes to participate in the primary election shall:

973           (i) certify the name and office of all of the registered political party's candidates to the  
974 lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of  
975 each even-numbered year; and

976           (ii) certify the name and office of each of its county candidates to the county clerks by  
977 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

978           (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
979 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
980 names of all statewide candidates, multicounty candidates, or single county candidates that  
981 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in  
982 accordance with Section 20A-6-305.

983           (d) Except for presidential candidates, if a registered political party does not wish to  
984 participate in the primary election, it shall submit the names of its county candidates to the  
985 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May  
986 30 of each even-numbered year.

987           ~~[(3) The county clerk shall:]~~

988           ~~[(a) review the declarations of candidacy filed by candidates for local boards of~~



989 education to determine if more than two candidates have filed for the same seat;]

990 [~~(b)~~ place the names of all candidates who have filed a declaration of candidacy for a  
991 local board of education seat on the nonpartisan section of the ballot if more than two  
992 candidates have filed for the same seat; and]

993 [~~(c)~~ determine the order of the candidates' names on the ballot in accordance with  
994 Section ~~20A-6-305~~.]

995 [~~(4)~~ (3) After the county clerk receives the certified list from a registered political  
996 party, the county clerk shall post or publish a primary election notice in substantially the  
997 following form:

998 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,  
999 \_\_\_\_\_(year), to nominate party candidates for the parties and nonpartisan offices listed on  
1000 the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
1001 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

1002 [~~(5)~~ (4) (a) Candidates, other than presidential candidates, receiving the highest  
1003 number of votes cast for each office at the regular primary election are nominated by their party  
1004 or nonpartisan group for that office.

1005 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1006 the office at the regular general election, those party candidates equal in number to positions to  
1007 be filled who receive the highest number of votes at the regular primary election are the  
1008 nominees of their party for those positions.

1009 [~~(6)~~ (5) (a) When a tie vote occurs in any primary election for any national, state, or  
1010 other office that represents more than one county, the governor, lieutenant governor, and  
1011 attorney general shall, at a public meeting called by the governor and in the presence of the  
1012 candidates involved, select the nominee by lot cast in whatever manner the governor  
1013 determines.

1014 (b) When a tie vote occurs in any primary election for any county office, the district  
1015 court judges of the district in which the county is located shall, at a public meeting called by  
1016 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1017 whatever manner the judges determine.

1018 [~~(7)~~ (6) The expense of providing all ballots, blanks, or other supplies to be used at  
1019 any primary election provided for by this section, and all expenses necessarily incurred in the

1020 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1021 county or state, in the same manner as for the regular general elections.

1022 Section 17. Section **20A-9-405** is enacted to read:

1023 **20A-9-405. School board primary election.**

1024 (1) A school board primary election shall be held on the second Tuesday following the  
1025 first Monday in August of an odd-numbered year, as provided by Section 20A-1-201.5, to  
1026 nominate candidates for the school board general election if more than two candidates file a  
1027 declaration of candidacy for the same State Board of Education district or a local school board  
1028 district.

1029 (2) The election officer shall:

1030 (a) place the names of all candidates who have filed a declaration of candidacy for a  
1031 State Board of Education district or a local school board district on the school board primary  
1032 ballot if more than two candidates have filed for the same district; and

1033 (b) determine the order of the candidates' names on the ballot in accordance with  
1034 Section 20A-6-305.

1035 (3) A candidate who receives the highest number of votes and a candidate who receives  
1036 the second highest number of votes in a school board primary election are nominated to be  
1037 candidates in the school board general election.

1038 (4) The election officer shall publish the following notice:

1039 "Notice is given that a school board primary election will be held Tuesday, August \_\_\_\_\_,  
1040 (day) \_\_\_\_\_ (year), to nominate candidates for the State Board of Education and local school  
1041 boards. The polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and  
1042 continue open until 8 p.m. of the same day. Attest: county clerk."

1043 (5) The expense of providing all ballots, blanks, or other supplies to be used at a school  
1044 board primary election provided for by this section, and all expenses necessarily incurred in the  
1045 preparation for or the conduct of the school board primary election, shall be paid out of the  
1046 treasury of the county or state, in the same manner as for the regular general elections.

1047 Section 18. Section **20A-11-101** is amended to read:

1048 **20A-11-101. Definitions.**

1049 As used in this chapter:

1050 (1) "Address" means the number and street where an individual resides or where a

1051 reporting entity has its principal office.

1052 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1053 amendments, and any other ballot propositions submitted to the voters that are authorized by  
1054 the Utah Code Annotated 1953.

1055 (3) "Candidate" means any person who:

1056 (a) files a declaration of candidacy for a public office; or

1057 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1058 receive contributions or make expenditures to bring about the person's nomination or election  
1059 to a public office.

1060 (4) "Chief election officer" means:

1061 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1062 officeholders, political parties, political action committees, corporations, political issues  
1063 committees, state school board candidates, judges, and labor organizations, as defined in  
1064 Section 20A-11-1501; and

1065 (b) the county clerk for local school board candidates.

1066 (5) (a) "Contribution" means any of the following when done for political purposes:

1067 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1068 value given to the filing entity;

1069 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1070 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1071 anything of value to the filing entity;

1072 (iii) any transfer of funds from another reporting entity to the filing entity;

1073 (iv) compensation paid by any person or reporting entity other than the filing entity for  
1074 personal services provided without charge to the filing entity;

1075 (v) remuneration from:

1076 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1077 or

1078 (B) any agency or subdivision of the state, including school districts; and

1079 (vi) goods or services provided to or for the benefit of the filing entity at less than fair  
1080 market value.

1081 (b) "Contribution" does not include:

1082 (i) services provided without compensation by individuals volunteering a portion or all  
1083 of their time on behalf of the filing entity;

1084 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1085 business; or

1086 (iii) goods or services provided for the benefit of a candidate or political party at less  
1087 than fair market value that are not authorized by or coordinated with the candidate or political  
1088 party.

1089 (6) "Coordinated with" means that goods or services provided for the benefit of a  
1090 candidate or political party are provided:

1091 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
1092 party does not object;

1093 (b) by agreement with the candidate or political party;

1094 (c) in coordination with the candidate or political party; or

1095 (d) using official logos, slogans, and similar elements belonging to a candidate or  
1096 political party.

1097 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1098 organization that is registered as a corporation or is authorized to do business in a state and  
1099 makes any expenditure from corporate funds for:

1100 (i) the purpose of expressly advocating for political purposes; or

1101 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
1102 proposition.

1103 (b) "Corporation" does not mean:

1104 (i) a business organization's political action committee or political issues committee; or

1105 (ii) a business entity organized as a partnership or a sole proprietorship.

1106 (8) "County political party" means, for each registered political party, all of the persons  
1107 within a single county who, under definitions established by the political party, are members of  
1108 the registered political party.

1109 (9) "County political party officer" means a person whose name is required to be  
1110 submitted by a county political party to the lieutenant governor in accordance with Section  
1111 20A-8-402.

1112 (10) "Detailed listing" means:

- 1113 (a) for each contribution or public service assistance:
- 1114 (i) the name and address of the individual or source making the contribution or public  
1115 service assistance;
- 1116 (ii) the amount or value of the contribution or public service assistance; and
- 1117 (iii) the date the contribution or public service assistance was made; and
- 1118 (b) for each expenditure:
- 1119 (i) the amount of the expenditure;
- 1120 (ii) the person or entity to whom it was disbursed;
- 1121 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1122 (iv) the date the expenditure was made.
- 1123 (11) "Election" means each:
- 1124 (a) regular general election;
- 1125 (b) school board general election;
- 1126 ~~[(b)]~~ (c) regular primary election; [and]
- 1127 (d) school board primary election; and
- 1128 ~~[(e)]~~ (e) special election at which candidates are eliminated and selected.
- 1129 (12) "Electioneering communication" means a communication that:
- 1130 (a) has at least a value of \$10,000;
- 1131 (b) clearly identifies a candidate or judge; and
- 1132 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
1133 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
1134 identified candidate's or judge's election date.
- 1135 (13) (a) "Expenditure" means:
- 1136 (i) any disbursement from contributions, receipts, or from the separate bank account  
1137 required by this chapter;
- 1138 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1139 or anything of value made for political purposes;
- 1140 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1141 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1142 value for political purposes;
- 1143 (iv) compensation paid by a filing entity for personal services rendered by a person

- 1144 without charge to a reporting entity;
- 1145 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1146 committee; or
- 1147 (vi) goods or services provided by the filing entity to or for the benefit of another  
1148 reporting entity for political purposes at less than fair market value.
- 1149 (b) "Expenditure" does not include:
- 1150 (i) services provided without compensation by individuals volunteering a portion or all  
1151 of their time on behalf of a reporting entity;
- 1152 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1153 business; or
- 1154 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to  
1155 candidates for office or officeholders in states other than Utah.
- 1156 (14) "Federal office" means the office of President of the United States, United States  
1157 Senator, or United States Representative.
- 1158 (15) "Filing entity" means the reporting entity that is required to file a financial  
1159 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 1160 (16) "Financial statement" includes any summary report, interim report, verified  
1161 financial statement, or other statement disclosing contributions, expenditures, receipts,  
1162 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
1163 Retention Elections.
- 1164 (17) "Governing board" means the individual or group of individuals that determine the  
1165 candidates and committees that will receive expenditures from a political action committee,  
1166 political party, or corporation.
- 1167 (18) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
1168 Incorporation, by which a geographical area becomes legally recognized as a city or town.
- 1169 (19) "Incorporation election" means the election authorized by Section 10-2-111.
- 1170 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.
- 1171 (21) "Individual" means a natural person.
- 1172 (22) "Interim report" means a report identifying the contributions received and  
1173 expenditures made since the last report.
- 1174 (23) "Legislative office" means the office of state senator, state representative, speaker

1175 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
1176 whip of any party caucus in either house of the Legislature.

1177 (24) "Legislative office candidate" means a person who:

1178 (a) files a declaration of candidacy for the office of state senator or state representative;

1179 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
1180 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1181 assistant whip of any party caucus in either house of the Legislature; or

1182 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1183 receive contributions or make expenditures to bring about the person's nomination or election  
1184 to a legislative office.

1185 (25) "Officeholder" means a person who holds a public office.

1186 (26) "Party committee" means any committee organized by or authorized by the  
1187 governing board of a registered political party.

1188 (27) "Person" means both natural and legal persons, including individuals, business  
1189 organizations, personal campaign committees, party committees, political action committees,  
1190 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1191 (28) "Personal campaign committee" means the committee appointed by a candidate to  
1192 act for the candidate as provided in this chapter.

1193 (29) "Personal use expenditure" has the same meaning as provided under Section  
1194 20A-11-104.

1195 (30) (a) "Political action committee" means an entity, or any group of individuals or  
1196 entities within or outside this state, a major purpose of which is to:

1197 (i) solicit or receive contributions from any other person, group, or entity for political  
1198 purposes; or

1199 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
1200 vote for or against any candidate or person seeking election to a municipal or county office.

1201 (b) "Political action committee" includes groups affiliated with a registered political  
1202 party but not authorized or organized by the governing board of the registered political party  
1203 that receive contributions or makes expenditures for political purposes.

1204 (c) "Political action committee" does not mean:

1205 (i) a party committee;

1206 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1207 course of its business at the same price that would be provided to the general public;

1208 (iii) an individual;

1209 (iv) individuals who are related and who make contributions from a joint checking  
1210 account;

1211 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1212 action committee; or

1213 (vi) a personal campaign committee.

1214 (31) "Political convention" means a county or state political convention held by a  
1215 registered political party to select candidates.

1216 (32) (a) "Political issues committee" means an entity, or any group of individuals or  
1217 entities within or outside this state, a major purpose of which is to:

1218 (i) solicit or receive donations from any other person, group, or entity to assist in  
1219 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
1220 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1221 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
1222 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
1223 proposed ballot proposition or an incorporation in an incorporation election; or

1224 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
1225 ballot or to assist in keeping a ballot proposition off the ballot.

1226 (b) "Political issues committee" does not mean:

1227 (i) a registered political party or a party committee;

1228 (ii) any entity that provides goods or services to an individual or committee in the  
1229 regular course of its business at the same price that would be provided to the general public;

1230 (iii) an individual;

1231 (iv) individuals who are related and who make contributions from a joint checking  
1232 account; or

1233 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1234 issues committee.

1235 (33) (a) "Political issues contribution" means any of the following:

1236 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or



- 1237 anything of value given to a political issues committee;
- 1238 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
1239 issues donation to influence the approval or defeat of any ballot proposition;
- 1240 (iii) any transfer of funds received by a political issues committee from a reporting  
1241 entity;
- 1242 (iv) compensation paid by another reporting entity for personal services rendered  
1243 without charge to a political issues committee; and
- 1244 (v) goods or services provided to or for the benefit of a political issues committee at  
1245 less than fair market value.
- 1246 (b) "Political issues contribution" does not include:
- 1247 (i) services provided without compensation by individuals volunteering a portion or all  
1248 of their time on behalf of a political issues committee; or
- 1249 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1250 course of business.
- 1251 (34) (a) "Political issues expenditure" means any of the following:
- 1252 (i) any payment from political issues contributions made for the purpose of influencing  
1253 the approval or the defeat of:
- 1254 (A) a ballot proposition; or
- 1255 (B) an incorporation petition or incorporation election;
- 1256 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1257 the express purpose of influencing the approval or the defeat of:
- 1258 (A) a ballot proposition; or
- 1259 (B) an incorporation petition or incorporation election;
- 1260 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1261 political issues expenditure;
- 1262 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1263 without charge to a political issues committee; or
- 1264 (v) goods or services provided to or for the benefit of another reporting entity at less  
1265 than fair market value.
- 1266 (b) "Political issues expenditure" does not include:
- 1267 (i) services provided without compensation by individuals volunteering a portion or all

1268 of their time on behalf of a political issues committee; or

1269 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1270 course of business.

1271 (35) "Political purposes" means an act done with the intent or in a way to influence or  
1272 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1273 against any candidate or a person seeking a municipal or county office at any caucus, political  
1274 convention, or election.

1275 (36) "Primary election" means any regular primary election held under the election  
1276 laws.

1277 (37) "Public office" means the office of governor, lieutenant governor, state auditor,  
1278 state treasurer, attorney general, state or local school board member, state senator, state  
1279 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
1280 whip, and assistant whip of any party caucus in either house of the Legislature.

1281 (38) (a) "Public service assistance" means the following when given or provided to an  
1282 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1283 communicate with the officeholder's constituents:

1284 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1285 money or anything of value to an officeholder; or

1286 (ii) goods or services provided at less than fair market value to or for the benefit of the  
1287 officeholder.

1288 (b) "Public service assistance" does not include:

1289 (i) anything provided by the state;

1290 (ii) services provided without compensation by individuals volunteering a portion or all  
1291 of their time on behalf of an officeholder;

1292 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1293 business;

1294 (iv) news coverage or any publication by the news media; or

1295 (v) any article, story, or other coverage as part of any regular publication of any  
1296 organization unless substantially all the publication is devoted to information about the  
1297 officeholder.

1298 (39) "Publicly identified class of individuals" means a group of 50 or more individuals

1299 sharing a common occupation, interest, or association that contribute to a political action  
1300 committee or political issues committee and whose names can be obtained by contacting the  
1301 political action committee or political issues committee upon whose financial statement the  
1302 individuals are listed.

1303 (40) "Receipts" means contributions and public service assistance.

1304 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1305 Lobbyist Disclosure and Regulation Act.

1306 (42) "Registered political action committee" means any political action committee that  
1307 is required by this chapter to file a statement of organization with the lieutenant governor's  
1308 office.

1309 (43) "Registered political issues committee" means any political issues committee that  
1310 is required by this chapter to file a statement of organization with the lieutenant governor's  
1311 office.

1312 (44) "Registered political party" means an organization of voters that:

1313 (a) participated in the last regular general election and polled a total vote equal to 2%  
1314 or more of the total votes cast for all candidates for the United States House of Representatives  
1315 for any of its candidates for any office; or

1316 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
1317 Party Formation and Procedures.

1318 (45) (a) "Remuneration" means a payment:

1319 (i) made to a legislator for the period the Legislature is in session; and

1320 (ii) that is approximately equivalent to an amount a legislator would have earned  
1321 during the period the Legislature is in session in the legislator's ordinary course of business.

1322 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1323 (i) the legislator's primary employer in the ordinary course of business; or

1324 (ii) a person or entity in the ordinary course of business:

1325 (A) because of the legislator's ownership interest in the entity; or

1326 (B) for services rendered by the legislator on behalf of the person or entity.

1327 (46) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1328 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
1329 action committee, a political issues committee, a corporation, or a labor organization, as

1330 defined in Section 20A-11-1501.

1331 (47) "School board office" means the office of [~~state school board~~] the State Board of  
1332 Education or local school board.

1333 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or  
1334 intangible asset that comprises the contribution.

1335 (b) "Source" means, for political action committees and corporations, the political  
1336 action committee and the corporation as entities, not the contributors to the political action  
1337 committee or the owners or shareholders of the corporation.

1338 (49) "State office" means the offices of governor, lieutenant governor, attorney general,  
1339 state auditor, and state treasurer.

1340 (50) "State office candidate" means a person who:

1341 (a) files a declaration of candidacy for a state office; or

1342 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1343 receive contributions or make expenditures to bring about the person's nomination or election  
1344 to a state office.

1345 (51) "Summary report" means the year end report containing the summary of a  
1346 reporting entity's contributions and expenditures.

1347 (52) "Supervisory board" means the individual or group of individuals that allocate  
1348 expenditures from a political issues committee.

1349 Section 19. Section **20A-11-1302** is amended to read:

1350 **20A-11-1302. School board office candidate -- Financial reporting requirements**  
1351 **-- Year-end summary report.**

1352 (1) (a) Each school board office candidate shall file a summary report by January 10 of  
1353 the year after the [~~regular~~] school board general election year.

1354 (b) In addition to the requirements of Subsection (1)(a), a former school board office  
1355 candidate that has not filed the statement of dissolution and final summary report required  
1356 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1357 (2) (a) Each summary report shall include the following information as of December 31  
1358 of the previous year:

1359 (i) the net balance of the last financial statement, if any;

1360 (ii) a single figure equal to the total amount of receipts reported on all interim reports,

- 1361 if any, during the previous year;
- 1362 (iii) a single figure equal to the total amount of expenditures reported on all interim  
1363 reports, if any, filed during the previous year;
- 1364 (iv) a detailed listing of each receipt, contribution, and public service assistance since  
1365 the last summary report that has not been reported in detail on an interim report;
- 1366 (v) for each nonmonetary contribution:
- 1367 (A) the fair market value of the contribution with that information provided by the  
1368 contributor; and
- 1369 (B) a specific description of the contribution;
- 1370 (vi) a detailed listing of each expenditure made since the last summary report that has  
1371 not been reported in detail on an interim report;
- 1372 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1373 (viii) a net balance for the year consisting of the net balance from the last summary  
1374 report, if any, plus all receipts minus all expenditures; and
- 1375 (ix) the name of a political action committee for which the school board office  
1376 candidate is designated as an officer who has primary decision-making authority under Section  
1377 20A-11-601.
- 1378 (b) (i) For all individual contributions or public service assistance of \$50 or less, a  
1379 single aggregate figure may be reported without separate detailed listings.
- 1380 (ii) Two or more contributions from the same source that have an aggregate total of  
1381 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 1382 (c) In preparing the report, all receipts and expenditures shall be reported as of  
1383 December 31 of the previous year.
- 1384 (d) A check or negotiable instrument received by a school board office candidate on or  
1385 before December 31 of the previous year shall be included in the summary report.
- 1386 (3) The school board office candidate shall certify in the summary report that, to the  
1387 best of the school board office candidate's knowledge, all receipts and all expenditures have  
1388 been reported as of December 31 of the previous year and that there are no bills or obligations  
1389 outstanding and unpaid except as set forth in that report.
- 1390 Section 20. Section **20A-11-1303** is amended to read:
- 1391 **20A-11-1303. School board office candidate -- Financial reporting requirements**

## 1392 -- Interim reports.

1393 (1) Each school board office candidate shall file an interim report at the following  
1394 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1395 [~~(a) May 15, for state school board office candidates;~~]

1396 [~~(b)~~] (a) seven days before the [~~regular~~] school board primary election date; and

1397 [~~(c) August 31; and~~]

1398 [~~(d)~~] (b) seven days before the [~~regular~~] school board general election date.

1399 (2) Each interim report shall include the following information:

1400 (a) the net balance of the last summary report, if any;

1401 (b) a single figure equal to the total amount of receipts reported on all prior interim  
1402 reports, if any, during the calendar year in which the interim report is due;

1403 (c) a single figure equal to the total amount of expenditures reported on all prior  
1404 interim reports, if any, filed during the calendar year in which the interim report is due;

1405 (d) a detailed listing of each contribution and public service assistance received since  
1406 the last summary report that has not been reported in detail on a prior interim report;

1407 (e) for each nonmonetary contribution:

1408 (i) the fair market value of the contribution with that information provided by the  
1409 contributor; and

1410 (ii) a specific description of the contribution;

1411 (f) a detailed listing of each expenditure made since the last summary report that has  
1412 not been reported in detail on a prior interim report;

1413 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1414 (h) a net balance for the year consisting of the net balance from the last summary  
1415 report, if any, plus all receipts since the last summary report minus all expenditures since the  
1416 last summary report;

1417 (i) a summary page in the form required by the lieutenant governor that identifies:

1418 (i) beginning balance;

1419 (ii) total contributions during the period since the last statement;

1420 (iii) total contributions to date;

1421 (iv) total expenditures during the period since the last statement; and

1422 (v) total expenditures to date; and

1423 (j) the name of a political action committee for which the school board office candidate  
 1424 is designated as an officer who has primary decision-making authority under Section  
 1425 20A-11-601.

1426 (3) (a) For all individual contributions or public service assistance of \$50 or less, a  
 1427 single aggregate figure may be reported without separate detailed listings.

1428 (b) Two or more contributions from the same source that have an aggregate total of  
 1429 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1430 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported  
 1431 as of five days before the required filing date of the report.

1432 (b) Any negotiable instrument or check received by a school board office candidate  
 1433 more than five days before the required filing date of a report required by this section shall be  
 1434 included in the interim report.

1435 Section 21. Section **20A-11-1305** is amended to read:

1436 **20A-11-1305. School board office candidate -- Failure to file statement --**

1437 **Penalties.**

1438 (1) (a) If a school board office candidate fails to file an interim report due before the  
 1439 ~~[regular] school board~~ primary election~~[-, on August 31,]~~ or before the ~~[regular] school board~~  
 1440 general election, the chief election officer shall, after making a reasonable attempt to discover  
 1441 if the report was timely filed:

1442 (i) inform the county clerk and other appropriate election officials who:

1443 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before  
 1444 the ballots are delivered to voters; or

1445 (II) shall, if removing the candidate's name from the ballot is not practicable, inform  
 1446 the voters by any practicable method that the candidate has been disqualified and that votes  
 1447 cast for candidate will not be counted; and

1448 (B) may not count any votes for that candidate; and

1449 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1450 (b) Any school board office candidate who fails to file timely a financial statement  
 1451 required by Subsection 20A-11-1303(1)(b)~~[-]~~ or (c)~~[-, or (d)]~~ is disqualified and the vacancy on  
 1452 the ballot may be filled as provided in Section 20A-1-501.

1453 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is

1454 not disqualified and the chief election officer may not impose a fine if:

1455 (i) the candidate timely files the reports required by this section in accordance with  
1456 Section 20A-11-103;

1457 (ii) those reports are completed, detailing accurately and completely the information  
1458 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1459 and

1460 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are  
1461 corrected in:

1462 (A) an amended report; or

1463 (B) the next scheduled report.

1464 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate  
1465 for state school board, the lieutenant governor shall review each filed summary report to ensure  
1466 that:

1467 (i) each state school board candidate that is required to file a summary report has filed  
1468 one; and

1469 (ii) each summary report contains the information required by this part.

1470 (b) If it appears that any state school board candidate has failed to file the summary  
1471 report required by law, if it appears that a filed summary report does not conform to the law, or  
1472 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1473 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1474 violation or receipt of a written complaint, notify the state school board candidate of the  
1475 violation or written complaint and direct the state school board candidate to file a summary  
1476 report correcting the problem.

1477 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a  
1478 summary report within 14 days after receiving notice from the lieutenant governor under this  
1479 section.

1480 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a  
1481 class B misdemeanor.

1482 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1483 attorney general.

1484 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county



1485 clerk shall review each filed summary report to ensure that:

1486 (i) each local school board candidate that is required to file a summary report has filed  
1487 one; and

1488 (ii) each summary report contains the information required by this part.

1489 (b) If it appears that any local school board candidate has failed to file the summary  
1490 report required by law, if it appears that a filed summary report does not conform to the law, or  
1491 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
1492 of any summary report, the county clerk shall, within five days of discovery of a violation or  
1493 receipt of a written complaint, notify the local school board candidate of the violation or  
1494 written complaint and direct the local school board candidate to file a summary report  
1495 correcting the problem.

1496 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a  
1497 summary report within 14 days after receiving notice from the county clerk under this section.

1498 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a  
1499 class B misdemeanor.

1500 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or  
1501 county attorney.

1502 Section 22. Section **20A-14-103** is amended to read:

1503 **CHAPTER 14. ELECTION OF STATE AND LOCAL SCHOOL BOARDS**

1504 **Part 1. State Board of Education**

1505 **20A-14-103. State Board of Education members -- When elected -- Qualifications**

1506 **-- Avoiding conflicts of interest.**

1507 (1) (a) [~~Unless otherwise provided by law, each~~] Except as provided by this section, a  
1508 State Board of Education member shall serve a four-year term.

1509 (b) A State Board of Education member elected [from a State Board of Education  
1510 District] at the 2010 regular general election shall:

1511 (i) serve [out the term of office for which that member was elected] a five-year term;  
1512 and

1513 (ii) represent the realigned district if the member resides in that district.

1514 [~~(b) At the general election to be held in 2012, a~~]

1515 (c) A State Board of Education member elected at the 2012 regular general election

1516 from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, ~~and~~ or 15 shall ~~be elected to~~  
1517 serve a term of office of ~~four~~ five years.

1518 ~~(c)~~ (d) In order to ensure that the terms of approximately half of the State Board of  
1519 Education members expire every two years ~~[(i) at the general election to be held in 2012]~~, the  
1520 State Board of Education member elected at the 2012 regular general election from State Board  
1521 of Education District 1 shall ~~be elected to~~ serve a term of office of ~~[two years; and]~~ three  
1522 years.

1523 ~~[(ii) at the general election to be held in 2014, the State Board of Education member~~  
1524 ~~elected from State Board of Education District 1 shall be elected to serve a term of office of~~  
1525 ~~four years.]~~

1526 (2) (a) A person seeking election to the State Board of Education shall have been a  
1527 resident of the State Board of Education district in which the person is seeking election for at  
1528 least one year as of the date of the election.

1529 (b) A person who has resided within the State Board of Education district, as the  
1530 boundaries of the district exist on the date of the election, for one year immediately preceding  
1531 the date of the election shall be considered to have met the requirements of this Subsection (2).

1532 (3) A State Board of Education member shall:

1533 (a) be and remain a registered voter in the State Board of Education district from which  
1534 the member was elected or appointed; and

1535 (b) maintain the member's primary residence within the State Board of Education  
1536 district from which the member was elected or appointed during the member's term of office.

1537 (4) A State Board of Education member may not, during the member's term of office,  
1538 also serve as an employee of:

1539 (a) the State Board of Education;

1540 (b) the Utah State Office of Education; or

1541 (c) the Utah State Office of Rehabilitation.

1542 Section 23. Section **20A-14-104** is amended to read:

1543 **20A-14-104. Becoming a candidate for membership on the State Board of**  
1544 **Education.**

1545 (1) ~~(a)~~ Persons interested in becoming a candidate for the State Board of Education  
1546 shall file a declaration of candidacy according to the procedures and requirements of Sections

1547 20A-9-201 and ~~[20A-9-202]~~ 20A-9-203.5.

1548 (2) An election officer shall conduct a school board primary election that is necessary  
1549 in accordance with Section 20A-9-405.

1550 (3) An election officer shall conduct a school board general election on the date  
1551 specified in Section 20A-1-201.1.

1552 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires;~~  
1553 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~  
1554 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~  
1555 ~~State Board of Education.]~~

1556 ~~[(2) By November 1 of the year preceding each regular general election year, a~~  
1557 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~  
1558 ~~shall be appointed by the governor as follows:]~~

1559 ~~[(a) one member shall be appointed to represent each of the following business and~~  
1560 ~~industry sectors:]~~

1561 ~~[(i) manufacturing and mining;]~~

1562 ~~[(ii) transportation and public utilities;]~~

1563 ~~[(iii) service, trade, and information technology;]~~

1564 ~~[(iv) finance, insurance, and real estate;]~~

1565 ~~[(v) construction; and]~~

1566 ~~[(vi) agriculture; and]~~

1567 ~~[(b) one member shall be appointed to represent each of the following education~~  
1568 ~~sectors:]~~

1569 ~~[(i) teachers;]~~

1570 ~~[(ii) school administrators;]~~

1571 ~~[(iii) parents;]~~

1572 ~~[(iv) local school board members;]~~

1573 ~~[(v) charter schools; and]~~

1574 ~~[(vi) higher education.]~~

1575 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~  
1576 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~  
1577 ~~organizations representing each of the respective sectors.]~~

1578 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~  
1579 ~~within each state board district in which a member's term expires during the committee's~~  
1580 ~~two-year term of office.]~~

1581 ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

1582 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~  
1583 ~~schedule and convene all committee meetings.]~~

1584 ~~[(c) Any formal action by the committee requires the approval of a majority of~~  
1585 ~~committee members.]~~

1586 ~~[(d) Members of the nominating and recruiting committee shall serve without~~  
1587 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~  
1588 ~~official duties as established by the Division of Finance.]~~

1589 ~~[(5) The nominating and recruiting committee shall:]~~

1590 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~  
1591 ~~to the deadline to file a declaration of candidacy;]~~

1592 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~  
1593 ~~each state board district subject to election in that year using the qualifications under~~  
1594 ~~Subsection (6);]~~

1595 ~~[(c) submit a list of at least three candidates for each state board position to the~~  
1596 ~~governor by July 1; and]~~

1597 ~~[(d) ensure that the list includes appropriate background information on each~~  
1598 ~~candidate.]~~

1599 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~  
1600 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~  
1601 ~~Education, including experience in the following areas:]~~

1602 ~~[(a) business and industry administration;]~~

1603 ~~[(b) business and industry human resource management;]~~

1604 ~~[(c) business and industry finance;]~~

1605 ~~[(d) business and industry, including expertise in:]~~

1606 ~~[(i) metrics and evaluation;]~~

1607 ~~[(ii) manufacturing;]~~

1608 ~~[(iii) retailing;]~~



- 1640 (iii) whenever districts are consolidated;
- 1641 (iv) whenever a district loses more than 20% of the population of the entire school  
1642 district to another district;
- 1643 (v) whenever a district loses more than 50% of the population of a local school board  
1644 district to another district;
- 1645 (vi) whenever a district receives new residents equal to at least 20% of the population  
1646 of the district at the time of the last reapportionment because of a transfer of territory from  
1647 another district; and
- 1648 (vii) whenever it is necessary to increase the membership of a board from five to seven  
1649 members as a result of changes in student membership under Section 20A-14-202.
- 1650 (b) If a school district receives territory containing less than 20% of the population of  
1651 the transferee district at the time of the last reapportionment, the local school board may assign  
1652 the new territory to one or more existing school board districts.
- 1653 (3) (a) Reapportionment does not affect the right of any school board member to  
1654 complete the term for which the member was elected.
- 1655 (b) (i) After reapportionment, representation in a local school board district shall be  
1656 determined as provided in this Subsection (3).
- 1657 (ii) If only one board member whose term extends beyond reapportionment lives  
1658 within a reapportioned local school board district, that board member shall represent that local  
1659 school board district.
- 1660 (iii) (A) If two or more members whose terms extend beyond reapportionment live  
1661 within a reapportioned local school board district, the members involved shall select one  
1662 member by lot to represent the local school board district.
- 1663 (B) The other members shall serve at-large for the remainder of their terms.
- 1664 (C) The at-large board members shall serve in addition to the designated number of  
1665 board members for the board in question for the remainder of their terms.
- 1666 (iv) If there is no board member living within a local school board district whose term  
1667 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in  
1668 this part.
- 1669 (4) (a) If, before an election affected by reapportionment, the county or municipal  
1670 legislative body that conducted the reapportionment determines that one or more members

1671 shall be elected to [~~terms of two years~~] a term less than four years to meet this part's  
1672 requirements for staggered terms, the legislative body shall determine by lot which of the  
1673 reapportioned local school board districts will elect members to [~~two-year terms and which will~~  
1674 ~~elect members to four-year terms~~] a term less than four years.

1675 (b) [~~At~~] Except as provided by Section 20A-14-203, all subsequent elections are for  
1676 four-year terms.

1677 (5) Within 10 days after any local school board district boundary change, the county or  
1678 municipal legislative body making the change shall send an accurate map or plat of the  
1679 boundary change to the Automated Geographic Reference Center created under Section  
1680 63F-1-506.

1681 Section 25. Section **20A-14-202** is amended to read:

1682 **20A-14-202. Local boards of education -- Membership -- When elected --**

1683 **Qualifications -- Avoiding conflicts of interest.**

1684 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school  
1685 district with a student population of up to 24,000 students shall consist of five members.

1686 (b) The board of education of a school district with a student population of more than  
1687 10,000 students but fewer than 24,000 students shall increase from five to seven members  
1688 [~~beginning with the 2004 regular general election~~].

1689 (c) The board of education of a school district with a student population of 24,000 or  
1690 more students shall consist of seven members.

1691 (d) Student population is based on the October 1 student count submitted by districts to  
1692 the State Office of Education.

1693 (e) If the number of members of a local school board is required to change under  
1694 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in  
1695 Sections 20A-14-201 and 20A-14-203.

1696 (f) A school district which now has or increases to a seven-member board shall  
1697 maintain a seven-member board regardless of subsequent changes in student population.

1698 (g) (i) Members of a local board of education shall be elected at each [~~regular~~] school  
1699 board general election.

1700 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local  
1701 board of education may be elected to a five-member board, nor more than four members

1702 elected to a seven-member board, in any election year.

1703 (iii) More than three members of a local board of education may be elected to a  
1704 five-member board and more than four members elected to a seven-member board in any  
1705 election year only when required by reapportionment or to fill a vacancy or to implement  
1706 Subsection (1)(b).

1707 (h) One member of the local board of education shall be elected from each local school  
1708 board district.

1709 (2) (a) ~~[For an election held after the 2008 general election, a]~~ A person seeking  
1710 election to a local school board shall have been a resident of the local school board district in  
1711 which the person is seeking election for at least one year as of the date of the election.

1712 (b) A person who has resided within the local school board district, as the boundaries  
1713 of the district exist on the date of the election, for one year immediately preceding the date of  
1714 the election shall be considered to have met the requirements of this Subsection (2).

1715 (3) A member of a local school board shall:

1716 (a) be and remain a registered voter in the local school board district from which the  
1717 member is elected or appointed; and

1718 (b) maintain the member's primary residence within the local school board district from  
1719 which the member is elected or appointed during the member's term of office.

1720 (4) A member of a local school board may not, during the member's term in office, also  
1721 serve as an employee of that board.

1722 Section 26. Section **20A-14-203** is amended to read:

1723 **20A-14-203. Becoming a member of a local board of education -- Declaration of**  
1724 **candidacy -- Election.**

1725 (1) An individual may become a candidate for a local school board by filing a  
1726 declaration of candidacy with the county clerk and paying the fee as required by Section  
1727 ~~[20A-9-202]~~ 20A-9-203.5.

1728 (2) (a) ~~[The]~~ Except as provided by Subsection (3), a term of office for an individual  
1729 elected to a local board of education is four years, beginning on the first Monday in January  
1730 after the election.

1731 (b) A member of a local board of education shall serve until a successor is elected or  
1732 appointed and qualified.



1733 (c) A member of a local board of education is "qualified" when the member takes or  
1734 signs the constitutional oath of office.

1735 (3) (a) A person elected as a local board of education member at the 2010 regular  
1736 general election shall serve a five-year term.

1737 (b) A person elected as a local board of education member at the 2012 regular general  
1738 election shall serve a five-year term.

1739 Section 27. Section **53A-1-101** is amended to read:

1740 **53A-1-101. State Board of Education -- Members.**

1741 (1) Members of the State Board of Education shall be nominated and elected as  
1742 provided in Title 20A, Chapter 14, [~~Nomination and~~] Election of State and Local School  
1743 Boards.

1744 (2) (a) In addition to the members designated under Subsection (1), the following  
1745 members shall serve as nonvoting members of the State Board of Education:

1746 (i) two members of the State Board of Regents, appointed by the chair of the State  
1747 Board of Regents;

1748 (ii) one member of the Utah College of Applied Technology Board of Trustees,  
1749 appointed by the chair of the board of trustees; and

1750 (iii) one member of the State Charter School Board, appointed by the chair of the State  
1751 Charter School Board.

1752 (b) A nonvoting member shall continue to serve as a member without a set term until  
1753 the member is replaced by the chair of the State Board of Regents, chair of the Utah College of  
1754 Applied Technology Board of Trustees, or chair of the State Charter School Board, as  
1755 applicable.

1756 Section 28. Section **53A-1a-506** is amended to read:

1757 **53A-1a-506. Eligible students.**

1758 (1) As used in this section:

1759 (a) "District school" means a public school under the control of a local school board  
1760 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of State and Local  
1761 School Boards.

1762 (b) "Refugee" means a person who is eligible to receive benefits and services from the  
1763 federal Office of Refugee Resettlement.

1764 (2) All resident students of the state qualify for admission to a charter school, subject  
1765 to the limitations set forth in this section and Section 53A-1a-506.5.

1766 (3) (a) A charter school shall enroll an eligible student who submits a timely  
1767 application, unless the number of applications exceeds the capacity of a program, class, grade  
1768 level, or the charter school.

1769 (b) If the number of applications exceeds the capacity of a program, class, grade level,  
1770 or the charter school, students shall be selected on a random basis, except as provided in  
1771 Subsections (4) through (6).

1772 (4) A charter school may give an enrollment preference to:

1773 (a) a student of a parent who has actively participated in the development of the charter  
1774 school;

1775 (b) siblings of students presently enrolled in the charter school;

1776 (c) a student of a parent who is employed by the charter school;

1777 (d) students matriculating between charter schools offering similar programs that are  
1778 governed by the same governing body;

1779 (e) students matriculating from one charter school to another pursuant to a  
1780 matriculation agreement between the charter schools that is approved by the State Charter  
1781 School Board; or

1782 (f) students who reside within:

1783 (i) the school district in which the charter school is located;

1784 (ii) the municipality in which the charter school is located; or

1785 (iii) a two-mile radius from the charter school.

1786 (5) If a district school converts to charter status, the charter school shall give an  
1787 enrollment preference to students who would have otherwise attended it as a district school.

1788 (6) (a) A charter school whose mission is to enhance learning opportunities for  
1789 refugees or children of refugee families may give an enrollment preference to refugees or  
1790 children of refugee families.

1791 (b) A charter school whose mission is to enhance learning opportunities for English  
1792 language learners may give an enrollment preference to English language learners.

1793 (7) A charter school may not discriminate in its admission policies or practices on the  
1794 same basis as other public schools may not discriminate in their admission policies and

1795 practices.

1796 Section 29. Section **53A-1a-506.5** is amended to read:

1797 **53A-1a-506.5. Charter school students -- Admissions procedures -- Transfers.**

1798 (1) As used in this section:

1799 (a) "District school" means a public school under the control of a local school board  
1800 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of State and Local  
1801 School Boards.

1802 (b) "Nonresident school district" means a school district other than a student's school  
1803 district of residence.

1804 (c) "School district of residence" means a student's school district of residence as  
1805 determined under Section 53A-2-201.

1806 (d) "School of residence" means the school to which a student is assigned to attend  
1807 based on the student's place of residence.

1808 (2) (a) The State School Board, in consultation with the State Charter School Board,  
1809 shall make rules describing procedures for students to follow in applying for entry into, or  
1810 exiting, a charter school.

1811 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

1812 (i) posting on a charter school's Internet website, beginning no later than 60 days before  
1813 the school's initial period of applications:

1814 (A) procedures for applying for admission to the charter school;

1815 (B) (I) the school's opening date, if the school has not yet opened; or

1816 (II) the school calendar; and

1817 (C) information on how a student may transfer from a charter school to another charter  
1818 school or a district school;

1819 (ii) use of standard application forms prescribed by the State Board of Education;

1820 (iii) written notification to a student's parent or legal guardian of an offer of admission;

1821 (iv) written acceptance of an offer of admission by a student's parent or legal guardian;

1822 (v) written notification to a student's current charter school or school district of  
1823 residence upon acceptance of the student for enrollment in a charter school; and

1824 (vi) the admission of students, provided that the admission does not disqualify the  
1825 charter school from federal funding, at:

1826 (A) any time to protect the health or safety of a student; or

1827 (B) times other than those permitted under standard policies if there are other  
1828 conditions of special need that warrant consideration.

1829 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is  
1830 enrolled in a charter school or who has accepted an offer of admission to a charter school from  
1831 duplicating enrollment for the student in another charter school or a school district without  
1832 following the withdrawal procedures described in Subsection (3).

1833 (3) The parent of a student enrolled in a charter school may withdraw the student from  
1834 the charter school for enrollment in another charter school or a school district by submitting to  
1835 the charter school:

1836 (a) on or before June 30, a notice of intent to enroll the student in the student's school  
1837 of residence for the following school year;

1838 (b) after June 30, a letter of acceptance for enrollment in the student's school district of  
1839 residence for the following year;

1840 (c) a letter of acceptance for enrollment in the student's school district of residence in  
1841 the current school year;

1842 (d) a letter of acceptance for enrollment in a nonresident school district; or

1843 (e) a letter of acceptance for enrollment in a charter school.

1844 (4) (a) A charter school shall report to a school district, by the last business day of each  
1845 month the aggregate number of new students, sorted by their school of residence and grade  
1846 level, who have accepted enrollment in the charter school for the following school year.

1847 (b) A school district shall report to a charter school, by the last business day of each  
1848 month, the aggregate number of students enrolled in the charter school who have accepted  
1849 enrollment in the school district in the following school year, sorted by grade level.

1850 (5) When a vacancy occurs because a student has withdrawn from a charter school, the  
1851 charter school may immediately enroll a new student from its list of applicants.

1852 (6) Unless provisions have previously been made for enrollment in another school, a  
1853 charter school releasing a student from enrollment during a school year shall immediately  
1854 notify the school district of residence, which shall enroll the student in the school district of  
1855 residence and take additional steps as may be necessary to ensure compliance with laws  
1856 governing school attendance.

1857 (7) (a) The parent of a student enrolled in a charter school may withdraw the student  
1858 from the charter school for enrollment in the student's school of residence in the following  
1859 school year if an application of admission is submitted to the school district of residence by  
1860 June 30.

1861 (b) If the parent of a student enrolled in a charter school submits an application of  
1862 admission to the student's school district of residence after June 30 for the student's enrollment  
1863 in the school district of residence in the following school year, or an application of admission is  
1864 submitted for enrollment during the current school year, the student may enroll in a school of  
1865 the school district of residence that has adequate capacity in:

1866 (i) the student's grade level, if the student is an elementary school student; or  
1867 (ii) the core classes that the student needs to take, if the student is a secondary school  
1868 student.

1869 (c) State Board of Education rules made under Subsection (2)(a) shall specify how  
1870 adequate capacity in a grade level or core classes is determined for the purposes of Subsection  
1871 (7)(b).

1872 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time  
1873 to protect the health and safety of the student.

1874 (9) A school district or charter school may charge secondary students a one-time \$5  
1875 processing fee, to be paid at the time of application.

1876 Section 30. Section **53A-2-119** is amended to read:

1877 **53A-2-119. Reapportionment -- Local school board membership.**

1878 (1) Upon the creation of a new school district, the county legislative body shall  
1879 reapportion the affected school districts pursuant to Section 20A-14-201.

1880 (2) Except as provided in Section 53A-2-118.1, school board membership in the  
1881 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, [~~Nomination  
1882 and Election of Members of Local Boards of Education~~] Local School Boards.

1883 Section 31. Section **53A-3-101** is amended to read:

1884 **53A-3-101. Selection and election of members to local boards of education.**

1885 Members of local boards of education shall be elected as provided in Title 20A,  
1886 Chapter 14, [~~Nomination and~~] Election of State and Local School Boards.

1887 Section 32. Section **53A-3-301** is amended to read:

1888           **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**  
1889 **Compensation.**

1890           (1) Subject to Subsection (8), a local school board shall appoint a district  
1891 superintendent of schools who serves as the local school board's chief executive officer.

1892           (2) A local school board shall appoint the superintendent on the basis of outstanding  
1893 professional qualifications.

1894           (3) (a) A superintendent's term of office is for two years and until, subject to  
1895 Subsection (8), a successor is appointed and qualified.

1896           (b) A local school board that appoints a superintendent in accordance with this section  
1897 may not, on or after May 10, 2011, enter into an employment contract that contains an  
1898 automatic renewal provision with the superintendent.

1899           (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (8),  
1900 if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of  
1901 superintendent, the local school board shall make an appointment during a public meeting for  
1902 an indefinite term not to exceed one year, which term shall end upon the appointment and  
1903 qualification of a new superintendent.

1904           (5) (a) The superintendent shall hold an administrative/supervisory license issued by  
1905 the State Board of Education, except as otherwise provided in Subsection (5)(b).

1906           (b) At the request of a local school board, the State Board of Education shall grant a  
1907 letter of authorization permitting a person with outstanding professional qualifications to serve  
1908 as superintendent without holding an administrative/supervisory license.

1909           (6) A local school board shall set the superintendent's compensation for services.

1910           (7) A superintendent qualifies for office by taking the constitutional oath of office.

1911           (8) (a) As used in this Subsection (8), "interim vacancy period" means the period of  
1912 time that:

1913           (i) begins on the day on which a school board general election described in Section  
1914 [~~20A-1-202~~] 20A-1-201.1 is held to elect a member of a local school board; and

1915           (ii) ends on the day on which the member-elect begins the member's term.

1916           (b) (i) The local school board may not appoint a superintendent during an interim  
1917 vacancy period.

1918           (ii) Notwithstanding Subsection (8)(b)(i):

1919 (A) the local school board may appoint an interim superintendent during an interim  
1920 vacancy period; and

1921 (B) the interim superintendent's term shall expire once a new superintendent is  
1922 appointed by the new local school board after the interim vacancy period has ended.

1923 (c) Subsection (8)(b) does not apply if all the local school board members who held  
1924 office on the day of the school board general election whose term of office was vacant for the  
1925 election are re-elected to the local school board for the following term.

1926 Section 33. Section **53A-11-102.5** is amended to read:

1927 **53A-11-102.5. Dual enrollment.**

1928 (1) "District school" means a public school under the control of a local school board  
1929 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of State and Local  
1930 School Boards.

1931 (2) A person having control of a minor who is enrolled in a regularly established  
1932 private school or a home school may also enroll the minor in a public school for dual  
1933 enrollment purposes.

1934 (3) The minor may participate in any academic activity in the public school available to  
1935 students in the minor's grade or age group, subject to compliance with the same rules and  
1936 requirements that apply to a full-time student's participation in the activity.

1937 (4) (a) A student enrolled in a dual enrollment program in a district school is  
1938 considered a student of the district in which the district school of attendance is located for  
1939 purposes of state funding to the extent of the student's participation in the district school  
1940 programs.

1941 (b) A student enrolled in a dual enrollment program in a charter school is considered a  
1942 student of the charter school for purposes of state funding to the extent of the student's  
1943 participation in the charter school programs.

1944 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1945 State Board of Education shall make rules for purposes of dual enrollment to govern and  
1946 regulate the transferability of credits toward graduation that are earned in a private or home  
1947 school.

1948 Section 34. Section **53A-15-1202** is amended to read:

1949 **53A-15-1202. Definitions.**

1950 As used in this part:

1951 (1) "District school" means a public school under the control of a local school board  
1952 elected pursuant to Title 20A, Chapter 14, [~~Nomination and~~] Election of State and Local  
1953 School Boards.

1954 (2) "Eligible student" means:

1955 (a) a student enrolled in a district school or charter school in Utah; or

1956 (b) beginning on July 1, 2013, a student:

1957 (i) who attends a private school or home school; and

1958 (ii) whose custodial parent or legal guardian is a resident of Utah.

1959 (3) "LEA" means a local education agency in Utah that has administrative control and  
1960 direction for public education.

1961 (4) "Online course" means a course of instruction offered by the Statewide Online  
1962 Education Program through the use of digital technology.

1963 (5) "Primary LEA of enrollment" means the LEA in which an eligible student is  
1964 enrolled for courses other than online courses offered through the Statewide Online Education  
1965 Program.

1966 (6) "Released-time" means a period of time during the regular school day a student is  
1967 excused from school at the request of the student's parent or guardian pursuant to rules of the  
1968 State Board of Education.

1969 Section 35. **Repealer.**

1970 This bill repeals:

1971 Section **20A-14-105, Becoming a candidate for membership on the State Board of**  
1972 **Education -- Selection of candidates by the governor -- Ballot placement.**

1973 Section 36. **Effective date.**

1974 This bill takes effect January 1, 2014.

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**Legislative Review Note**  
**as of 12-17-12 1:41 PM**

**Office of Legislative Research and General Counsel**