

Representative Francis D. Gibson proposes the following substitute bill:

STATE SCHOOL BOARD MEMBERSHIP AND ELECTION

AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code and Title 53A, State System of Public Education, to change the membership of, and the process for election of members of, the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals the nominating and recruiting committee, and related provisions, for selecting candidates for the office of State Board of Education member;
- ▶ provides that an individual may be placed on the ballot as a nonpartisan candidate for the office of State Board of Education member by filing a declaration of candidacy, obtaining signatures, and complying with other provisions described in this bill;
- ▶ describes the election process and related provisions for a State Board of Education member;
- ▶ removes the nonvoting members from the State Board of Education;
- ▶ increases the compensation of members of the State Board of Education; and



26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides revisor instructions.

31 **Utah Code Sections Affected:**

32 AMENDS:

- 33 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 34 **20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169
- 35 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 36 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17
- 37 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17
- 38 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17
- 39 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17
- 40 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 41 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17
- 42 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 43 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17
- 44 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 45 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455
- 46 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 47 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 48 **53A-1-202**, as last amended by Laws of Utah 2010, Chapter 286

49 ENACTS:

- 50 **20A-14-103.5**, Utah Code Annotated 1953
- 51 **20A-14-103.6**, Utah Code Annotated 1953

52 REPEALS:

- 53 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 54 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
- 55 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

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

- 57 [53A-1a-506](#), Utah Code Annotated 1953
- 58 [53A-1a-506.5](#), Utah Code Annotated 1953
- 59 [53A-2-119](#), Utah Code Annotated 1953
- 60 [53A-3-101](#), as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 61 [53A-11-102.5](#), Utah Code Annotated 1953
- 62 [53A-15-1202](#), Utah Code Annotated 1953

63

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

65 Section 1. Section **20A-1-507** is amended to read:

66 **20A-1-507. Midterm vacancies in the State Board of Education.**

67 (1) If a vacancy occurs on the State Board of Education for any reason other than the
68 expiration of a member's term, the governor, with the consent of the Senate, shall appoint an
69 individual to fill the vacancy [~~by appointment of a qualified member to serve out~~] for the
70 unexpired term.

71 (2) The lieutenant governor shall issue a certificate of appointment to the appointed
72 member and certify the appointment to the board.

73 Section 2. Section **20A-6-301** is amended to read:

74 **20A-6-301. Paper ballots -- Regular general election.**

75 (1) Each election officer shall ensure that:

76 (a) all paper ballots furnished for use at the regular general election contain:

77 (i) no captions or other endorsements except as provided in this section;

78 (ii) no symbols, markings, or other descriptions of a political party or group, except for
79 a registered political party that has chosen to nominate its candidates in accordance with
80 Section [20A-9-403](#); and

81 (iii) no indication that a candidate for elective office has been nominated by, or has
82 been endorsed by, or is in any way affiliated with a political party or group, unless the
83 candidate has been nominated by a registered political party in accordance with Subsection
84 [20A-9-202](#)~~(4)~~(5) or Subsection [20A-9-403](#)(5).

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

87 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the

88 stub; and

89 (iii) ballot stubs are numbered consecutively;

90 (c) immediately below the perforated ballot stub, the following endorsements are
91 printed in 18 point bold type:

92 (i) "Official Ballot for ____ County, Utah";

93 (ii) the date of the election; and

94 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

95 (d) each ticket is placed in a separate column on the ballot in the order specified under
96 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
97 column;

98 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
99 high;

100 (f) a circle one-half inch in diameter is printed immediately below the party name or
101 title, and the top of the circle is placed not less than two inches below the perforated line;

102 (g) unaffiliated candidates, candidates not affiliated with a registered political party,
103 and all other candidates for elective office who were not nominated by a registered political
104 party in accordance with Subsection 20A-9-202[~~(4)~~](5) or Subsection 20A-9-403(5), are listed
105 in one column in the order specified under Section 20A-6-305, without a party circle, with the
106 following instructions printed at the head of the column: "All candidates not affiliated with a
107 political party are listed below. They are to be considered with all offices and candidates listed
108 to the left. Only one vote is allowed for each office.";

109 (h) the columns containing the lists of candidates, including the party name and device,
110 are separated by heavy parallel lines;

111 (i) the offices to be filled are plainly printed immediately above the names of the
112 candidates for those offices;

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

116 (k) a square with sides measuring not less than one-fourth of an inch in length is
117 printed immediately adjacent to the name of each candidate;

118 (l) for the offices of president and vice president and governor and lieutenant governor,

119 one square with sides measuring not less than one-fourth of an inch in length is printed on the
120 same side as but opposite a double bracket enclosing the names of the two candidates;

121 (m) in an election in which a voter is authorized to cast a write-in vote and where a
122 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the
123 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as
124 many written names of candidates as there are persons to be elected with:

125 (i) for each office on the ballot, the office to be filled plainly printed immediately
126 above:

127 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
128 square with sides measuring not less than one-fourth of an inch in length printed immediately
129 adjacent to the blank horizontal line; or

130 (B) for the offices of president and vice president and governor and lieutenant
131 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
132 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
133 inch in length printed on the same side as but opposite a double bracket enclosing the two
134 blank horizontal lines; and

135 (ii) the words "Write-In Voting Column" printed at the head of the column without a
136 one-half inch circle;

137 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
138 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated
139 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running
140 vertically the full length of the nonpartisan ballot copy; and

141 (o) constitutional amendments or other questions submitted to the vote of the people,
142 are printed on the ballot after the list of candidates.

143 (2) Each election officer shall ensure that:

144 (a) each person nominated by any registered political party under Subsection
145 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

146 (i) under the registered political party's name and emblem, if any; or

147 (ii) under the title of the registered political party as designated by them in their
148 certificates of nomination or petition, or, if none is designated, then under some suitable title;

149 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,

150 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
151 (c) the names of the candidates for president and vice president are used on the ballot
152 instead of the names of the presidential electors; and

153 (d) the ballots contain no other names.

154 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
155 that:

156 (a) the designation of the office to be filled in the election and the number of
157 candidates to be elected are printed in type not smaller than eight point;

158 (b) the words designating the office are printed flush with the left-hand margin;

159 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
160 which the voter may vote)" extend to the extreme right of the column;

161 (d) the nonpartisan candidates are grouped according to the office for which they are
162 candidates;

163 (e) the names in each group are placed in the order specified under Section 20A-6-305
164 with the surnames last; and

165 (f) each group is preceded by the designation of the office for which the candidates
166 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
167 candidates for which the voter may vote)," according to the number to be elected.

168 (4) Each election officer shall ensure that:

169 (a) proposed amendments to the Utah Constitution are listed on the ballot in
170 accordance with Section 20A-6-107;

171 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
172 with Section 20A-6-107; and

173 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
174 title assigned to each bond proposition under Section 11-14-206.

175 Section 3. Section 20A-6-302 is amended to read:

176 **20A-6-302. Paper ballots -- Placement of candidates' names.**

177 (1) Each election officer shall ensure, for paper ballots in regular general elections,
178 that:

179 (a) each candidate is listed by party, if nominated by a registered political party under
180 Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5);

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

183 (c) the names of candidates are placed on the ballot in the order specified under Section
184 [20A-6-305](#).

185 (2) (a) When there is only one candidate for county attorney at the regular general
186 election in counties that have three or fewer registered voters of the county who are licensed
187 active members in good standing of the Utah State Bar, the county clerk shall cause that
188 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
189 with the following question: "Shall (name of candidate) be elected to the office of county
190 attorney? Yes ____ No ____."

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

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

196 (d) When the name of only one candidate for county attorney is printed on the ballot
197 under authority of this Subsection (2), the county clerk may not count any write-in votes
198 received for the office of county attorney.

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

202 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
203 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
204 two consecutive terms immediately preceding the term for which the candidate is seeking
205 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
206 unopposed candidate the same as any other unopposed candidate for another office, unless a
207 petition is filed with the county clerk before the date of that year's primary election that:

208 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

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

212 (3) (a) When there is only one candidate for district attorney at the regular general
213 election in a prosecution district that has three or fewer registered voters of the district who are
214 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
215 that candidate's name and party affiliation, if any, to be placed on a separate section of the
216 ballot with the following question: "Shall (name of candidate) be elected to the office of district
217 attorney? Yes ____ No ____."

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

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

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

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

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

- 235 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 236 (ii) contains the signatures of registered voters in the county representing in number at
237 least 25% of all votes cast in the county for all candidates for governor at the last election at
238 which a governor was elected.

239 Section 4. Section **20A-6-303** is amended to read:

240 **20A-6-303. Regular general election -- Ballot sheets.**

241 (1) Each election officer shall ensure that:

- 242 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in

243 approximately the same order as paper ballots;

244 (b) the titles of offices and the names of candidates are printed in vertical columns or in
245 a series of separate pages;

246 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
247 include, after the list of candidates:

248 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

249 (ii) any ballot propositions submitted to the voters for their approval or rejection;

250 (d) (i) a voting square or position is included where the voter may record a straight
251 party ticket vote for all the candidates of one party by one mark or punch; and

252 (ii) the name of each political party listed in the straight party selection area includes
253 the word "party" at the end of the party's name;

254 (e) the tickets are printed in the order specified under Section 20A-6-305;

255 (f) the office titles are printed immediately adjacent to the names of candidates so as to
256 indicate clearly the candidates for each office and the number to be elected;

257 (g) the party designation of each candidate who has been nominated by a registered
258 political party under Subsection 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5) is printed
259 immediately adjacent to the candidate's name; and

260 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
261 page;

262 (ii) if all candidates for one office cannot be listed in one column or grouped on one
263 page:

264 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
265 candidates is continued on the following column or page; and

266 (B) approximately the same number of names shall be printed in each column or on
267 each page.

268 (2) Each election officer shall ensure that:

269 (a) proposed amendments to the Utah Constitution are listed in accordance with
270 Section 20A-6-107;

271 (b) ballot propositions submitted to the voters are listed in accordance with Section
272 20A-6-107; and

273 (c) bond propositions that have qualified for the ballot are listed under the title

274 assigned to each bond proposition under Section 11-14-206.

275 Section 5. Section 20A-6-304 is amended to read:

276 **20A-6-304. Regular general election -- Electronic ballots.**

277 (1) Each election officer shall ensure that:

278 (a) the format and content of the electronic ballot is arranged in approximately the
279 same order as paper ballots;

280 (b) the titles of offices and the names of candidates are displayed in vertical columns or
281 in a series of separate display screens;

282 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

283 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

284 (ii) any ballot propositions submitted to the voters for their approval or rejection;

285 (d) (i) a voting square or position is included where the voter may record a straight
286 party ticket vote for all the candidates of one party by making a single selection; and

287 (ii) the name of each political party listed in the straight party selection area includes
288 the word "party" at the end of the party's name;

289 (e) the tickets are displayed in the order specified under Section 20A-6-305;

290 (f) the office titles are displayed above or at the side of the names of candidates so as to
291 indicate clearly the candidates for each office and the number to be elected;

292 (g) the party designation of each candidate who has been nominated by a registered
293 political party under Subsection 20A-9-202~~(4)~~(5) or Subsection 20A-9-403(5) is displayed
294 adjacent to the candidate's name; and

295 (h) if possible, all candidates for one office are grouped in one column or upon one
296 display screen.

297 (2) Each election officer shall ensure that:

298 (a) proposed amendments to the Utah Constitution are displayed in accordance with
299 Section 20A-6-107;

300 (b) ballot propositions submitted to the voters are displayed in accordance with Section
301 20A-6-107; and

302 (c) bond propositions that have qualified for the ballot are displayed under the title
303 assigned to each bond proposition under Section 11-14-206.

304 Section 6. Section 20A-9-201 is amended to read:

305 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
306 **more than one political party prohibited with exceptions -- General filing and form**
307 **requirements -- Affidavit of impecuniosity.**

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

309 (a) be a United States citizen;

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

311 (c) if seeking a registered political party's nomination as a candidate for elective office,
312 designate that registered political party as their preferred party affiliation on their declaration of
313 candidacy.

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

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

317 (ii) appear on the ballot as the candidate of more than one political party.

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

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

324 (iii) A person may file a declaration of candidacy for lieutenant governor even if the
325 person filed a declaration of candidacy for another office in the same election year if the person
326 withdraws as a candidate for the other office in accordance with Subsection ~~20A-9-202[(6)](7)~~
327 before filing the declaration of candidacy for lieutenant governor.

328 (3) [~~(a)~~-(~~i~~)] Except for presidential candidates, before the filing officer may accept any
329 declaration of candidacy, the filing officer shall:

330 [~~(A)~~] (a) read to the prospective candidate the constitutional and statutory qualification
331 requirements for the office that the candidate is seeking; and

332 [~~(B)~~] (b) require the candidate to state whether or not the candidate meets those
333 requirements.

334 [~~(i)~~] (4) Before accepting a declaration of candidacy for the office of county attorney,
335 the county clerk shall ensure that the person filing that declaration of candidacy is:

336 ~~[(A)]~~ (a) a United States citizen;
337 ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good
338 standing of the Utah State Bar;
339 ~~[(C)]~~ (c) a registered voter in the county in which the person is seeking office; and
340 ~~[(D)]~~ (d) a current resident of the county in which the person is seeking office and
341 either has been a resident of that county for at least one year or was appointed and is currently
342 serving as county attorney and became a resident of the county within 30 days after
343 appointment to the office.

344 ~~[(iii)]~~ (5) Before accepting a declaration of candidacy for the office of district attorney,
345 the county clerk shall ensure that, as of the date of the election, the person filing that
346 declaration of candidacy is:

347 ~~[(A)]~~ (a) a United States citizen;
348 ~~[(B)]~~ (b) an attorney licensed to practice law in Utah who is an active member in good
349 standing of the Utah State Bar;

350 ~~[(C)]~~ (c) a registered voter in the prosecution district in which the person is seeking
351 office; and

352 ~~[(D)]~~ (d) a current resident of the prosecution district in which the person is seeking
353 office and either will have been a resident of that prosecution district for at least one year as of
354 the date of the election or was appointed and is currently serving as district attorney and
355 became a resident of the prosecution district within 30 days after receiving appointment to the
356 office.

357 ~~[(iv)]~~ (6) Before accepting a declaration of candidacy for the office of county sheriff,
358 the county clerk shall ensure that the person filing the declaration of candidacy:

359 ~~[(A)]~~ (a) as of the date of filing:

360 ~~[(I)]~~ (i) is a United States citizen;

361 ~~[(II)]~~ (ii) is a registered voter in the county in which the person seeks office;

362 ~~[(III)-(Aa)]~~ (iii) (A) has successfully met the standards and training requirements
363 established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
364 Training and Certification Act; or

365 ~~[(Bb)]~~ (B) has met the waiver requirements in Section [53-6-206](#); and

366 ~~[(IV)]~~ (iv) is qualified to be certified as a law enforcement officer, as defined in

367 Section [53-13-103](#); and

368 ~~[(B)]~~ (b) as of the date of the election, shall have been a resident of the county in which
369 the person seeks office for at least one year.

370 ~~[(v)]~~ (7) Before accepting a declaration of candidacy for the office of governor,
371 lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State
372 Board of Education member, the filing officer shall ensure:

373 ~~[(A)]~~ (a) that the person filing the declaration of candidacy also files the financial
374 disclosure required by Section [20A-11-1603](#); and

375 ~~[(B)]~~ (b) if the filing officer is not the lieutenant governor, that the financial disclosure
376 is provided to the lieutenant governor according to the procedures and requirements of Section
377 [20A-11-1603](#).

378 ~~[(b)]~~ (8) If the prospective candidate states that the qualification requirements for the
379 office are not met, the filing officer may not accept the prospective candidate's declaration of
380 candidacy.

381 ~~[(e)]~~ (9) If the candidate meets the requirements of ~~[Subsection (3)(a)]~~ Subsections (3)
382 through (7) and states that the requirements of candidacy are met, the filing officer shall:

383 ~~[(i)]~~ (a) inform the candidate that:

384 ~~[(A)]~~ (i) the candidate's name will appear on the ballot as it is written on the
385 declaration of candidacy;

386 ~~[(B)]~~ (ii) the candidate may be required to comply with state or local campaign finance
387 disclosure laws; and

388 ~~[(C)]~~ (iii) the candidate is required to file a financial statement before the candidate's
389 political convention under:

390 ~~[(i)]~~ (A) Section [20A-11-204](#) for a candidate for constitutional office;

391 ~~[(ii)]~~ (B) Section [20A-11-303](#) for a candidate for the Legislature; or

392 ~~[(iii)]~~ (C) local campaign finance disclosure laws, if applicable;

393 ~~[(i)]~~ (b) except for a presidential candidate, provide the candidate with a copy of the
394 current campaign financial disclosure laws for the office the candidate is seeking and inform
395 the candidate that failure to comply will result in disqualification as a candidate and removal of
396 the candidate's name from the ballot;

397 ~~[(ii)]~~ (c) provide the candidate with a copy of Section [20A-7-801](#) regarding the

398 Statewide Electronic Voter Information Website Program and inform the candidate of the
399 submission deadline under Subsection 20A-7-801(4)(a);

400 [(iv)] (d) provide the candidate with a copy of the pledge of fair campaign practices
401 described under Section 20A-9-206 and inform the candidate that:

402 [(A)] (i) signing the pledge is voluntary; and

403 [(B)] (ii) signed pledges shall be filed with the filing officer;

404 [(v)] (e) accept the candidate's declaration of candidacy; and

405 [(vi)] (f) if the candidate has filed for a partisan office, provide a certified copy of the
406 declaration of candidacy to the chair of the county or state political party of which the
407 candidate is a member.

408 [(d)] (10) If the candidate elects to sign the pledge of fair campaign practices, the filing
409 officer shall:

410 [(i)] (a) accept the candidate's pledge; and

411 [(ii)] (b) if the candidate has filed for a partisan office, provide a certified copy of the
412 candidate's pledge to the chair of the county or state political party of which the candidate is a
413 member.

414 [(4)] (11) (a) Except for presidential candidates~~[, the form of]~~ and candidates for a
415 nonpartisan office, the lieutenant governor shall create a form for the declaration of candidacy
416 [shall be] to read substantially as follows:

417 "State of Utah, County of _____

418 I, _____, declare my candidacy for the office of _____, seeking the
419 nomination of the _____ party, which is my preferred political party affiliation. I do
420 solemnly swear that: I will meet the qualifications to hold the office, both legally and
421 constitutionally, if selected; I reside at _____ in the City or Town of _____,
422 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
423 campaigns and elections; I will file all campaign financial disclosure reports as required
424 by law; and I understand that failure to do so will result in my disqualification as a
425 candidate for this office and removal of my name from the ballot. The mailing address
426 that I designate for receiving official election notices is
427 _____.

428 _____

429 Subscribed and sworn before me this _____(month\day\year).
430 Notary Public (or other officer qualified to administer oath.)"

431 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)
432 may not sign the form described in Subsection ~~[(4)]~~ (11)(a).

433 (12) (a) The lieutenant governor shall create a form for the declaration of candidacy for
434 a nonpartisan office to read substantially as follows:

435 "State of Utah, County of _____
436 I, _____, declare my candidacy for the office of _____. I do solemnly
437 swear that: I will meet the qualifications to hold the office, both legally and
438 constitutionally, if selected; I reside at _____ in the City or Town of _____,
439 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
440 campaigns and elections; I will file all campaign financial disclosure reports as required
441 by law; and I understand that failure to do so will result in my disqualification as a
442 candidate for this office and removal of my name from the ballot. The mailing address
443 that I designate for receiving official election notices is
444 _____.

445 _____
446 Subscribed and sworn before me this _____(month\day\year).
447 Notary Public (or other officer qualified to administer oath.)"

448 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)
449 may not sign the form described in Subsection (12)(a).

450 ~~[(5)]~~ (13) (a) Except for presidential candidates, the fee for filing a declaration of
451 candidacy is:

- 452 (i) \$50 for candidates for the local school district board; and
- 453 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
454 person holding the office for all other federal, state, and county offices.

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

- 457 (i) who is disqualified; or
- 458 (ii) who the filing officer determines has filed improperly.

459 ~~[(e)-(i)]~~ (14) (a) The county clerk shall immediately pay to the county treasurer all fees

460 received from candidates.

461 ~~[(ii)]~~ (b) The lieutenant governor shall:

462 ~~[(A)]~~ (i) apportion to and pay to the county treasurers of the various counties all fees
463 received for filing of nomination certificates or acceptances; and

464 ~~[(B)]~~ (ii) ensure that each county receives that proportion of the total amount paid to
465 the lieutenant governor from the congressional district that the total vote of that county for all
466 candidates for representative in Congress bears to the total vote of all counties within the
467 congressional district for all candidates for representative in Congress.

468 ~~[(d)]~~(i) (15)(a) A person who is unable to pay the filing fee may file a declaration of
469 candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as
470 evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the
471 filing officer, a financial statement filed at the time the affidavit is submitted.

472 ~~[(ii)]~~ (b) A person who is able to pay the filing fee may not claim impecuniosity.

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

476 ~~[(B)]~~ (d) Conviction of a criminal offense under Subsection ~~[(5)(d)(iii)(A)]~~ (15)(c)
477 shall be considered an offense under this title for the purposes of assessing the penalties
478 provided in Subsection 20A-1-609(2).

479 ~~[(iv)]~~ (e) The filing officer shall ensure that the affidavit of impecuniosity is printed in
480 substantially the following form:

481 "Affidavit of Impecuniosity

482 Individual Name

483 _____ Address _____

484 Phone Number _____

485 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
486 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
487 law.

488 Date _____ Signature _____

489 Affiant

490 Subscribed and sworn to before me on _____ (month\day\year)

491 _____
 492 (signature)
 493 Name and Title of Officer Authorized to Administer Oath _____"

494 ~~[(v)]~~ (f) The filing officer shall provide to a person who requests an affidavit of
 495 impecuniosity a statement printed in substantially the following form, which may be included
 496 on the affidavit of impecuniosity:

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

500 ~~[(vi)]~~ (g) The filing officer may request that a person who makes a claim of
 501 impecuniosity under this Subsection ~~[(5)(d)]~~ (15) file a financial statement on a form prepared
 502 by the election official.

503 ~~[(6)]~~ (16) (a) If there is no legislative appropriation for the Western States Presidential
 504 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
 505 president of the United States who is affiliated with a registered political party and chooses to
 506 participate in the regular primary election shall:

- 507 (i) file a declaration of candidacy, in person or via a designated agent, with the
- 508 lieutenant governor:
 - 509 (A) on a form developed and provided by the lieutenant governor; and
 - 510 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
 - 511 March before the next regular primary election;
 - 512 (ii) identify the registered political party whose nomination the candidate is seeking;
 - 513 (iii) provide a letter from the registered political party certifying that the candidate may
 - 514 participate as a candidate for that party in that party's presidential primary election; and
 - 515 (iv) pay the filing fee of \$500.

516 (b) An agent designated to file a declaration of candidacy may not sign the form
 517 described in Subsection ~~[(6)]~~ (16)(a)(i)(A).

518 ~~[(7)]~~ (17) Any person who fails to file a declaration of candidacy or certificate of
 519 nomination within the time provided in this chapter is ineligible for nomination to office.

520 ~~[(8) A]~~ (18) Except as provided in Subsection [20A-9-202\(5\)\(c\)](#) or [20A-14-103.5\(4\)\(c\)](#),
 521 a person may not amend or modify a declaration of candidacy filed under this section ~~[may not~~

522 ~~be amended or modified~~] after the final date established for filing a declaration of candidacy.

523 Section 7. Section **20A-9-202** is amended to read:

524 **20A-9-202. Declarations of candidacy for regular general elections.**

525 (1) ~~[(a) Each person seeking]~~ An individual who desires to become a candidate for an
526 elective office, other than a State Board of Education office, that is to be filled at the next
527 regular general election shall:

528 ~~[(1)]~~ (a) file a declaration of candidacy in person with the filing officer:

529 (i) on or after January 1 of the regular general election year~~;~~ and before the candidate
530 circulates a nomination ~~[petitions]~~ petition under Section 20A-9-405; and

531 (ii) in accordance with the requirements of Section 20A-9-201; and

532 ~~[(1)]~~ (b) pay the filing fee.

533 ~~[(2)]~~ (2) (a) Each county clerk who receives a declaration of candidacy from a
534 candidate for multicounty office shall transmit the filing fee and a copy of the candidate's
535 declaration of candidacy to the lieutenant governor within one working day after ~~[it is filed]~~ the
536 day on which the candidate files the declaration of candidacy.

537 ~~[(2)]~~ (b) Each day during the filing period, each county clerk shall notify the lieutenant
538 governor electronically or by telephone of candidates who have filed ~~[in their]~~ a declaration of
539 candidacy in the county clerk's office.

540 ~~[(2)]~~ (c) ~~Each person seeking~~ An individual who desires to become a candidate for the
541 office of lieutenant governor, the office of district attorney, or the office of president or vice
542 president of the United States shall comply with the specific declaration of candidacy
543 requirements ~~[established by]~~ described in this section.

544 ~~[(2)]~~ (3) (a) ~~[Each person intending]~~ An individual who desires to become a candidate
545 for the office of district attorney within a multicounty prosecution district that is to be filled at
546 the next regular general election shall:

547 (i) ~~[file a declaration of candidacy with the clerk designated in the interlocal agreement~~
548 ~~creating the prosecution district]~~ on or after January 1 of the regular general election year, and
549 before the candidate circulates nomination petitions under Section 20A-9-405, file a
550 declaration of candidacy with the clerk designated in the interlocal agreement creating the
551 prosecution district; and

552 (ii) pay the filing fee.

553 (b) The designated clerk shall provide to the county clerk of each county in the
554 prosecution district a certified copy of each declaration of candidacy filed for the office of
555 district attorney.

556 ~~[(3)]~~ (4) (a) On or before 5 p.m. on the first Monday after the third Saturday in April,
557 each lieutenant governor candidate shall:

558 (i) file a declaration of candidacy with the lieutenant governor;

559 (ii) pay the filing fee; and

560 (iii) submit a letter from a candidate for governor who has received certification for the
561 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
562 as a joint-ticket running mate.

563 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
564 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
565 candidate.

566 ~~[(4)]~~ (5) Each registered political party shall:

567 (a) certify the names of ~~[its]~~ the registered political party's candidates for president and
568 vice president of the United States to the lieutenant governor no later than August 31; or

569 (b) provide written authorization for the lieutenant governor to accept the certification
570 of candidates for president and vice president of the United States from the national office of
571 the registered political party.

572 ~~[(5)]~~ (6) (a) A declaration of candidacy filed under this section is valid unless an
573 individual files a written objection ~~[is filed]~~ with the clerk or lieutenant governor within five
574 days after the ~~[last day for filing]~~ day of the deadline for filing a declaration of candidacy.

575 (b) If an ~~[objection is made]~~ individual files an objection, the clerk or lieutenant
576 governor shall:

577 (i) immediately mail or personally deliver notice of the objection to the affected
578 candidate ~~[immediately]~~; and

579 (ii) decide any objection within 48 hours after ~~[it]~~ the objection is filed.

580 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
581 possible, cure the problem by amending the declaration or nomination petition, or by filing a
582 new declaration, within three days after the day on which the objection is sustained ~~[or by filing~~
583 ~~a new declaration within three days after the objection is sustained]~~.

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

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

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

589 ~~[(6)] (7) [Any person who filed a declaration of candidacy]~~ A candidate may withdraw
590 as a candidate by filing a written affidavit with the clerk.

591 ~~[(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement~~
592 ~~in this section to file a declaration of candidacy in person, a person]~~

593 (8) Subject to Subsection 20A-9-201(11)(b), an individual may designate an agent to
594 file the form described in Subsection ~~20A-9-201~~(4)~~(11)~~ in person with the filing officer if:

595 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

596 (i) of employment with the state or the United States; or

597 (ii) the ~~[person]~~ individual is a member of:

598 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
599 Coast Guard of the United States ~~[who]~~, and is on active duty;

600 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
601 commissioned corps of the National Oceanic and Atmospheric Administration of the United
602 States; or

603 (C) the National Guard and is on activated status;

604 (b) the ~~[person]~~ individual communicates with the filing officer using an electronic
605 device that allows the ~~[person]~~ individual and filing officer to see and hear each other; and

606 (c) the ~~[person]~~ individual provides the filing officer with an email address to which
607 the filing officer may send the copies described in Subsection ~~20A-9-201~~(3)~~(9)~~.

608 Section 8. Section **20A-9-403** is amended to read:

609 **20A-9-403. Regular primary elections.**

610 (1) (a) Candidates for elective office that are to be filled at the next regular general
611 election shall be nominated in a regular primary election by direct vote of the people in the
612 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
613 designated as regular primary election day. Nothing in this section shall affect a candidate's
614 ability to qualify for a regular general election's ballot as an unaffiliated candidate under

615 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
616 Section 20A-9-601.

617 (b) Each registered political party that chooses to have the names of its candidates for
618 elective office featured with party affiliation on the ballot at a regular general election shall
619 comply with the requirements of this section and shall nominate its candidates for elective
620 office in the manner prescribed in this section.

621 (c) A filing officer may not permit an official ballot at a regular general election to be
622 produced or used if the ballot denotes affiliation between a registered political party or any
623 other political group and a candidate for elective office who was not nominated in the manner
624 prescribed in this section or in Subsection 20A-9-202~~(4)~~(5).

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

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

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

632 (ii) if the registered political party participates in the upcoming regular primary
633 election, identify one or more registered political parties whose members may vote for the
634 registered political party's candidates and whether or not persons identified as unaffiliated with
635 a political party may vote for the registered political party's candidates; and

636 (iii) if the registered political party participates in the upcoming regular primary
637 election, indicate whether it chooses to nominate unopposed candidates without their name
638 appearing on the ballot, as described under Subsection (5)(c).

639 (b) A registered political party that is a continuing political party must file the
640 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
641 November 15 of each odd-numbered year. An organization that is seeking to become a
642 registered political party under Section 20A-8-103 must file the statement described in
643 Subsection (2)(b) no later than 5 p.m. on February 15.

644 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
645 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective

646 office on the regular primary ballot of the registered political party listed on the declaration of
647 candidacy only if the person is certified by the appropriate filing officer as having submitted a
648 set of nomination petitions that was:

649 (i) circulated and completed in accordance with Section 20A-9-405; and
650 (ii) signed by at least two percent of the registered political party's members who reside
651 in the political division of the office that the person seeks.

652 (b) A candidate for elective office shall submit nomination petitions to the appropriate
653 filing officer for verification and certification no later than 5 p.m. on the final day in March.
654 Candidates may supplement their submissions at any time on or before the filing deadline.

655 (c) The lieutenant governor shall determine for each elective office the total number of
656 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
657 of persons residing in each elective office's political division who have designated a particular
658 registered political party on their voter registration forms as of November 1 of each
659 odd-numbered year. The lieutenant governor shall publish this determination for each elective
660 office no later than November 15 of each odd-numbered year.

661 (d) The filing officer shall:

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

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

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

667 (iv) consider a person who signs a nomination petition a member of a registered
668 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
669 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
670 on the final day in March; and

671 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
672 petition signatures, or use statistical sampling procedures to verify submitted nomination
673 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

674 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant
675 governor may appear on the regular primary ballot of a registered political party without
676 submitting nomination petitions if the candidate files a declaration of candidacy and complies

677 with Subsection [20A-9-202](#)~~(3)~~(4).

678 (f) The lieutenant governor shall issue rules that provide for the use of statistical
679 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
680 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a
681 candidate's entire submission, using widely recognized statistical sampling techniques. The
682 lieutenant governor may also issue supplemental rules and guidance that provide for the
683 transparent, orderly, and timely submission, verification, and certification of nomination
684 petition signatures.

685 (g) The county clerk shall:

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

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

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

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

695 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
696 county offices who have received certifications under Subsection (3), along with instructions
697 on how those names shall appear on the primary-election ballot in accordance with Section
698 [20A-6-305](#); and

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

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

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

707 "Notice is given that a primary election will be held Tuesday, June ____,

708 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
709 local school board positions listed on the primary ballot. The polling place for voting precinct
710 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
711 Attest: county clerk."

712 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
713 votes cast for each office at the regular primary election are nominated by their registered
714 political party for that office or are nominated as a candidate for a nonpartisan local school
715 board position.

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

720 (c) A candidate who is unopposed for an elective office in the regular primary election
721 of a registered political party is nominated by the party for that office without appearing on the
722 primary ballot, provided that the party has chosen to nominate unopposed candidates under
723 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has
724 received a certification under Subsection (3) for the regular primary election ballot of the
725 candidate's registered political party for a particular elective office.

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

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

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

738 Section 9. Section **20A-9-407** is amended to read:

739 **20A-9-407. Convention nomination process for qualified political party.**

740 (1) This section describes the requirements for a member of a qualified political party
741 who is seeking the nomination of a qualified political party for an elective office through the
742 qualified political party's convention nomination process.

743 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of
744 candidacy for a member of a qualified political party who is nominated by, or who is seeking
745 the nomination of, the qualified political party under this section shall be substantially as
746 follows:

747 "State of Utah, County of _____

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

756 _____
757 _____.

758 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
759 other officer qualified to administer oath)."

760 (3) Notwithstanding Subsection 20A-9-202(1)[~~(a)~~], and except as provided in
761 Subsection 20A-9-202[~~(4)~~](5), a member of a qualified political party who, under this section,
762 is seeking the nomination of the qualified political party for an elective office that is to be filled
763 at the next general election, shall:

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

767 (b) pay the filing fee.

768 (4) Notwithstanding Subsection 20A-9-202[~~(2)~~](3)(a), a member of a qualified
769 political party who, under this section, is seeking the nomination of the qualified political party

770 for the office of district attorney within a multicounty prosecution district that is to be filled at
771 the next general election shall:

772 (a) file a declaration of candidacy with the county clerk designated in the interlocal
773 agreement creating the prosecution district on or after the second Friday in March and before 5
774 p.m. on the third Thursday in March before the next regular general election; and

775 (b) pay the filing fee.

776 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor
777 candidate who files as the joint-ticket running mate of an individual who is nominated by a
778 qualified political party, under this section, for the office of governor shall submit a letter from
779 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
780 running mate.

781 (6) The lieutenant governor shall ensure that the certification described in Subsection
782 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
783 under this section.

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

787 Section 10. Section 20A-9-408 is amended to read:

788 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

792 (2) Notwithstanding Subsection 20A-9-201[~~(4)~~](11)(a), the form of the declaration of
793 candidacy for a member of a qualified political party who is nominated by, or who is seeking
794 the nomination of, the qualified political party under this section shall be substantially as
795 follows:

796 "State of Utah, County of _____

797 I, _____, declare my intention of becoming a candidate for the office of
798 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
799 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
800 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate

801 any law governing campaigns and elections; I will file all campaign financial disclosure reports
802 as required by law; and I understand that failure to do so will result in my disqualification as a
803 candidate for this office and removal of my name from the ballot. The mailing address that I
804 designate for receiving official election notices is

805 _____
806 _____.

807 Subscribed and sworn before me this _____(month\day\year). Notary Public (or
808 other officer qualified to administer oath)."

809 (3) Notwithstanding Subsection 20A-9-202(1)(~~a~~), and except as provided in
810 Subsection 20A-9-202(~~4~~)(5), a member of a qualified political party who, under this section,
811 is seeking the nomination of the qualified political party for an elective office that is to be filled
812 at the next general election shall:

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

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

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

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

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

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

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

827 (c) pay the filing fee.

828 (4) Notwithstanding Subsection 20A-9-202(~~2~~)(3)(a), a member of a qualified
829 political party who, under this section, is seeking the nomination of the qualified political party
830 for the office of district attorney within a multicounty prosecution district that is to be filled at
831 the next general election shall:

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

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

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

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

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

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

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

845 (c) pay the filing fee.

846 (5) Notwithstanding Subsection 20A-9-202[~~(3)~~](4)(a)(iii), a lieutenant governor
847 candidate who files as the joint-ticket running mate of an individual who is nominated by a
848 qualified political party, under this section, for the office of governor shall submit a letter from
849 the candidate for governor that names the lieutenant governor candidate as a joint-ticket
850 running mate.

851 (6) The lieutenant governor shall ensure that the certification described in Subsection
852 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
853 under this section.

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

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

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

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

863 amounts:

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

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

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

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

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

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

882 (i) collect the signatures on a form approved by the lieutenant governor's office, using
883 the same circulation and verification requirements described in Sections [20A-7-304](#) and
884 [20A-7-305](#); and

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

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

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

893 (i) required to comply with the reporting requirements that a candidate for office is

894 required to comply with; and

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

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

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

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

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

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

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

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

918 Section 11. Section 20A-9-701 is amended to read:

919 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

920 (1) No later than August 31 of each regular general election year, the lieutenant
921 governor shall certify to each county clerk the names of each candidate nominated under
922 Subsection 20A-9-202[(4)](5) or Subsection 20A-9-403(5) for offices to be voted upon at the
923 regular general election in that county clerk's county.

924 (2) The names shall be certified by the lieutenant governor and shall be displayed on

925 the ballot as they are provided on the candidate's declaration of candidacy. No other names
 926 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
 927 political party, political party, or other political group.

928 Section 12. Section **20A-11-1005** is amended to read:

929 **20A-11-1005. Fines for failing to file a financial statement.**

930 (1) Except as provided in Subsections **20A-11-512**(1)(b) and (4), the chief election
 931 officer shall fine a filing entity \$100 for failing to file a financial statement by the filing
 932 deadline.

933 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
 934 manner similar to Subsection **20A-9-201**~~[(5)(d)]~~(15), the chief election officer shall impose the
 935 fine against the candidate or treasurer, as appropriate.

936 (3) The chief election officer shall deposit fines collected under this chapter in the
 937 General Fund.

938 Section 13. Section **20A-14-101.1** is amended to read:

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

940 **20A-14-101.1. Title -- Definitions.**

941 (1) This chapter is known as "Election of State and Local School Boards."

942 (2) As used in this part:

943 ~~[(1)]~~ (a) "Board" means the State Board of Education.

944 ~~[(2)]~~ (b) "Board block assignment file" means the electronic file that assigns each of
 945 Utah's 115, 406 census blocks to a particular State Board of Education district.

946 ~~[(3)]~~ (c) "Board shapefile" means the electronic shapefile that stores the boundary of
 947 each of the 15 State Board of Education districts.

948 ~~[(4)]~~ (d) "Census block" means any one of the 115, 406 individual geographic areas
 949 into which the Bureau of the Census of the United States Department of Commerce has divided
 950 the state of Utah, to each of which the Bureau of the Census has attached a discrete population
 951 tabulation from the 2010 decennial census.

952 ~~[(5)]~~ (e) "Shapefile" means the digital vector storage format for storing geometric
 953 location and associated attribute information.

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

955 **20A-14-103. State Board of Education members -- When elected -- Qualifications**

956 -- **Avoiding conflicts of interest.**

957 (1) (a) Unless otherwise provided by law, each State Board of Education member
958 elected from a State Board of Education District at the 2010 general election shall:

959 (i) serve out the term of office for which that member was elected; and

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

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

964 (c) In order to ensure that the terms of approximately half of the State Board of
965 Education members expire every two years:

966 (i) at the general election to be held in 2012, the State Board of Education member
967 elected from State Board of Education District 1 shall be elected to serve a term of office of
968 two years; and

969 (ii) at the general election to be held in 2014, the State Board of Education member
970 elected from State Board of Education District 1 shall be elected to serve a term of office of
971 four years.

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

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

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

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

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

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

985 (a) the State Board of Education;

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

987 (c) the Utah State Office of Rehabilitation.

988 (5) The provisions of Section 20A-9-403 do not apply to the election of a State Board
989 of Education member. The election of a State Board of Education member is governed by this
990 chapter.

991 Section 15. Section 20A-14-103.5 is enacted to read:

992 **20A-14-103.5. State Board of Education -- Candidacy.**

993 (1) The office of State Board of Education member is a nonpartisan office.

994 (2) An individual who desires to be a candidate for the office of State Board of
995 Education member shall:

996 (a) file a declaration of candidacy in person with the filing officer:

997 (i) on or after January 1 of the regular general election year and before the individual
998 circulates a nomination petition described in Section 20A-14-103.6; and

999 (ii) in accordance with the procedures and requirements of Section 20A-9-201; and

1000 (b) pay the filing fee.

1001 (3) (a) Each county clerk who receives a declaration of candidacy described in this
1002 section from a candidate for multicounty office shall transmit the filing fee and a copy of the
1003 candidate's declaration of candidacy to the lieutenant governor within one working day after the
1004 day on which the candidate files the declaration of candidacy.

1005 (b) Each day during the filing period, each county clerk shall notify the lieutenant
1006 governor electronically or by telephone of candidates who have filed a declaration of candidacy
1007 described in this section in the county clerk's office.

1008 (4) (a) A declaration of candidacy filed under this section is valid unless an individual
1009 files a written objection with the clerk or lieutenant governor within five days after the day of
1010 the deadline for filing a declaration of candidacy.

1011 (b) If an individual files an objection, the clerk or lieutenant governor shall:

1012 (i) immediately mail or personally deliver notice of the objection to the affected
1013 candidate; and

1014 (ii) decide any objection within 48 hours after the objection is filed.

1015 (c) If the clerk or lieutenant governor sustains the objection, the candidate may, if
1016 possible, cure the problem by amending the declaration or nomination petition, or by filing a
1017 new declaration, within three days after the day on which the objection is sustained.

1018 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1019 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1020 by a district court if prompt application is made to the court.

1021 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1022 of discretion, agrees to review the lower court decision.

1023 (5) A candidate may withdraw as a candidate by filing a written affidavit with the
1024 clerk.

1025 (6) Notwithstanding Subsection (2)(a), and subject to Subsection 20A-9-201(12)(b), an
1026 individual may designate an agent to file the form described in Subsection 20A-9-201(12) in
1027 person with the filing officer if:

1028 (a) the individual is located outside the state during the filing period because:

1029 (i) of employment with the state or the United States; or

1030 (ii) the individual is a member of:

1031 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1032 Coast Guard of the United States, and is on active duty;

1033 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1034 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1035 States; or

1036 (C) the National Guard and is on activated status;

1037 (b) the individual communicates with the filing officer using an electronic device that
1038 allows the individual and the filing officer to see and hear each other; and

1039 (c) the individual provides the filing officer with an email address to which the filing
1040 officer may send the copies described in Subsection 20A-9-201(9).

1041 Section 16. Section **20A-14-103.6** is enacted to read:

1042 **20A-14-103.6. Signature-gathering process for State Board of Education --**
1043 **Verification of signatures -- Placement on ballot.**

1044 (1) A candidate who is seeking placement on the ballot for the office of member of the
1045 State Board of Education shall, after complying with the requirements of Subsection
1046 20A-14-103.5(2):

1047 (a) during the period beginning on January 1 of an even-numbered year and ending at 5
1048 p.m. on the second Friday in April, collect signatures of at least 2,000 registered voters who

1049 reside in the same State Board of Education district as the candidate, including, from each
1050 school district within that State Board of Education district, signatures of the lesser of:

1051 (i) at least 300 registered voters who reside in that school district; or
1052 (ii) at least 2% of the registered voters who reside in that school district;

1053 (b) collect the signatures described in Subsection (1)(a) on a nomination petition form
1054 created by the lieutenant governor's office, in accordance with, and subject to, the same
1055 circulation and verification requirements described in Sections [20A-7-304](#) and [20A-7-305](#); and
1056 (c) submit the signatures described in Subsection (1)(a) to the election officer no later
1057 than 5 p.m. on the second Friday in April.

1058 (2) Upon timely receipt of the signatures described in this section, the election officer
1059 shall, no later than seven days after the day on which the election officer receives the
1060 signatures:

1061 (a) check the name of each individual who completes the verification for a signature
1062 packet to determine whether each individual is a resident of Utah and is at least 18 years old;
1063 (b) submit the name of each individual described in Subsection (2)(a) who is not a
1064 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
1065 (c) determine whether each signer is a registered voter who is qualified to sign the
1066 nomination petition form, using the same method described in Section [20A-7-206.3](#) to verify a
1067 signature on a petition;
1068 (d) certify whether each name is the name of a registered voter who is qualified to sign
1069 the signature packet; and

1070 (e) certify the candidate for placement on the ballot if the election officer determines
1071 that the candidate:

1072 (i) has complied with the requirements of this section and Section [20A-14-103.5](#); and
1073 (ii) obtained the signatures described in Subsection (1)(a).

1074 (3) (a) If more than two candidates qualify to be placed on the ballot for one State
1075 School Board District, the election officer shall certify the candidates for placement on the
1076 regular primary election ballot.

1077 (b) The election officer shall place the names of the two candidates who receive the
1078 highest number of votes in a primary election for a State School Board District on the general
1079 election ballot.

1080 (c) If only one or two candidates qualify to be placed on the ballot for one State School
1081 Board District, the election officer:

1082 (i) shall certify the name of each candidate for placement on the regular general
1083 election ballot; and

1084 (ii) may not place the name of a candidate described in Subsection (3)(c)(i) on the
1085 primary election ballot.

1086 Section 17. Section **53A-1-101** is amended to read:

1087 **53A-1-101. State Board of Education -- Members.**

1088 ~~[(1) Members of the]~~ The State Board of Education shall ~~[be nominated and]~~ consist of
1089 15 members, elected as provided in Title 20A, Chapter 14, ~~[Nomination and]~~ Election of State
1090 and Local School Boards.

1091 ~~[(2)(a) In addition to the members designated under Subsection (1), the following~~
1092 ~~members shall serve as nonvoting members of the State Board of Education:]~~

1093 ~~[(i) two members of the State Board of Regents, appointed by the chair of the State~~
1094 ~~Board of Regents;]~~

1095 ~~[(ii) one member of the Utah College of Applied Technology Board of Trustees,~~
1096 ~~appointed by the chair of the board of trustees; and]~~

1097 ~~[(iii) one member of the State Charter School Board, appointed by the chair of the State~~
1098 ~~Charter School Board.]~~

1099 ~~[(b) A nonvoting member shall continue to serve as a member without a set term until~~
1100 ~~the member is replaced by the chair of the State Board of Regents, chair of the Utah College of~~
1101 ~~Applied Technology Board of Trustees, or chair of the State Charter School Board, as~~
1102 ~~applicable.]~~

1103 Section 18. Section **53A-1-202** is amended to read:

1104 **53A-1-202. Compensation for services -- Insurance -- Per diem and expenses.**

1105 (1) Each member of the State Board of Education shall receive \$3,000 per year,
1106 payable monthly, as compensation for services.

1107 (2) A board member may participate in any group insurance plan provided to
1108 employees of the State Office of Education as part of their compensation on the same basis as
1109 required for employee participation.

1110 (3) In addition to the provisions of Subsections (1) and (2), a board member may

1111 receive per diem and travel expenses in accordance with:

1112 (a) Section [63A-3-106](#);

1113 (b) Section [63A-3-107](#); and

1114 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

1115 [63A-3-107](#).

1116 (4) In addition to the provisions of Subsections (1) through (3), a board member may
1117 receive \$273 for each day on which the board member attends a meeting of the State Board of
1118 Education.

1119 Section 19. **Repealer.**

1120 This bill repeals:

1121 Section [20A-14-104](#), **Becoming a candidate for membership on the State Board of**
1122 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

1123 Section [20A-14-105](#), **Becoming a candidate for membership on the State Board of**
1124 **Education -- Selection of candidates by the governor -- Ballot placement.**

1125 Section 20. **Revisor instructions.**

1126 It is the intent of the Legislature that, in preparing the Utah Code database for
1127 publication, the Office of Legislative Research and General Counsel shall change the
1128 references to "Title 20A, Chapter 14, Nomination and Election of State and Local School
1129 Boards" in the following sections and subsections to read "Title 20A, Chapter 14, Election of
1130 State and Local School Boards":

1131 (1) Subsection [53A-1a-506\(1\)\(a\)](#);

1132 (2) Subsection [53A-1a-506.5\(1\)\(a\)](#);

1133 (3) Subsection [53A-2-119\(2\)](#);

1134 (4) Section [53A-3-101](#);

1135 (5) Subsection [53A-11-102.5\(1\)](#); and

1136 (6) Subsection [53A-15-1202\(1\)](#).