

1 **SCHOOL BOARD ELECTIONS PROVISIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jim Nielson**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions in Title 20A, Election Code, relating to the nomination and
10 election of a person to the State Board of Education.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the direct, nonpartisan election of members to the State Board of
14 Education;

15 ▶ repeals the involvement of the governor and the nominating and recruiting
16 committee for the State Board of Education in the selection process; and

17 ▶ makes technical corrections.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **20A-9-403**, as last amended by Laws of Utah 2013, Chapter 317

25 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

26 REPEALS:

27 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last



28 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

29

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

31 Section 1. Section **20A-9-403** is amended to read:

32 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

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

47 (i) certify the name and office of all of the registered political party's candidates to the
48 lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of
49 each even-numbered year and indicate which of the candidates will be on the primary ballot;
50 and

51 (ii) certify the name and office of each of its county candidates to the county clerks by
52 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and
53 indicate which of the candidates will be on the primary ballot.

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

59 (d) Except for presidential candidates, if a registered political party does not wish to
 60 participate in the primary election, it shall submit the names of its county candidates to the
 61 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
 62 30 of each even-numbered year.

63 (3) (a) The lieutenant governor shall:

64 (i) review the declarations of candidacy filed by candidates for the State Board of
 65 Education to determine if more than two candidates have filed for the same seat; and

66 (ii) if more than two candidates for the State Board of Education have filed a
 67 declaration of candidacy for the same seat, send the county clerks a certified list of names of all
 68 candidates that filed for the same seat.

69 ~~[(3)]~~ (b) The county clerk shall:

70 ~~[(a)]~~ (i) review the declarations of candidacy filed by candidates for local boards of
 71 education to determine if more than two candidates have filed for the same seat;

72 ~~[(b)]~~ (ii) place on the nonpartisan section of the ballot:

73 (A) the names of all candidates who have filed a declaration of candidacy for a local
 74 board of education seat [on the nonpartisan section of the ballot] if more than two candidates
 75 have filed for the same seat; and

76 (B) the names of the candidates for the State Board of Education on the list certified by
 77 the lieutenant governor under Subsection (3)(a)(ii); and

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

80 (4) After the county clerk receives the certified list from a registered political party, the
 81 county clerk shall post or publish a primary election notice in substantially the following form:

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

86 (5) (a) (i) ~~[Candidates,]~~ Except as provided in Subsection (5)(b), the candidate for a
 87 partisan office, other than presidential candidates, receiving the highest number of votes cast
 88 for each office at the regular primary election [are nominated by their] is the nominee of the
 89 candidate's party [or nonpartisan group] for that office.

90 (ii) Except as provided in Subsection (5)(b), the two candidates for a nonpartisan office
 91 who receive the highest number of votes are nominated to be candidates in the regular general
 92 election.

93 (b) If two or more candidates, other than presidential candidates, are to be elected to
 94 [the]:

95 (i) a partisan office at the regular general election, [those party] then candidates equal
 96 in number to positions to be filled who receive the highest number of votes at the regular
 97 primary election are the nominees of [their] the candidates' party for those positions[-]; and

98 (ii) a nonpartisan office at the regular general election, then candidates equal in number
 99 to double the positions to be filled who receive the highest number of votes at the regular
 100 primary election advance to the regular general election.

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

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

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

113 Section 2. Section **20A-14-104** is amended to read:

114 **20A-14-104. Becoming a candidate for membership on the State Board of**
 115 **Education.**

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

119 [~~(b) By May 1 of the year in which a State Board of Education member's term expires,~~
 120 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~

121 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
122 ~~State Board of Education.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 ~~[(c) Any formal action by the committee requires the approval of a majority of~~

152 committee members.]

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

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

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

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

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

164 ~~[(d) ensure that the list includes appropriate background information on each~~
165 ~~candidate;]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 183 [~~(f) applied technology education;~~]
- 184 [~~(g) public education administration;~~]
- 185 [~~(h) public education instruction;~~]
- 186 [~~(i) economic development;~~]
- 187 [~~(j) labor; and~~]
- 188 [~~(k) other life experiences that would benefit the State Board of Education.~~]

189 Section 3. **Repealer.**

190 This bill repeals:

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

Legislative Review Note
as of 9-13-13 12:19 PM

Office of Legislative Research and General Counsel