

1 **STATE BOARD OF REGENTS AMENDMENTS**

2 2011 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay L. McIff**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to appointments to the State Board of Regents.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the governor to appoint a certain number of members to the State Board of
- 13 Regents who reside in a county of the fourth, fifth, or sixth class; and
- 14 ▶ deletes obsolete language.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53B-1-104**, as last amended by Laws of Utah 2010, Chapters 286 and 400

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

24 Section 1. Section **53B-1-104** is amended to read:

25 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**

26 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

27 (1) (a) The board shall consist of 19 residents of the state.



28 (b) (i) Fifteen members shall be appointed by the governor with the consent of the
29 Senate.

30 (ii) (A) One additional member shall be appointed by the governor from nominations
31 of the student body presidents council.

32 (B) The student body presidents council shall nominate three qualified, matriculated
33 students enrolled in the state institutions of higher education.

34 (C) Student body presidents are not eligible for nomination.

35 (iii) All appointments to the board shall be made on a nonpartisan basis.

36 (iv) In making appointments to the board, the governor shall select:

37 (A) at least two individuals who ~~[do not] reside [within a metropolitan statistical area,~~
38 ~~as designated by the United States Census Bureau]~~ within a county of the fourth, fifth, or sixth
39 class;

40 (B) no more than six individuals who reside within a county of the first class;

41 (C) the remaining individuals from the state at large with due consideration for
42 geographical representation and diversity of exposure to the various institutions in the Utah
43 System of Higher Education; and

44 (D) at least three individuals with personal experience in career and technical
45 education, which could include service on a campus board of directors.

46 (c) (i) In addition to the members designated under Subsection (1)(b), two members of
47 the State Board of Education, appointed by the chair of the State Board of Education, shall
48 serve as nonvoting members of the board.

49 (ii) A nonvoting State Board of Education member shall continue to serve as a member
50 without a set term until the member is replaced by the chair of the State Board of Education.

51 (d) (i) In addition to the members designated under Subsection (1)(b), one member of
52 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah
53 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the
54 board.

55 (ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall
56 continue to serve as a member without a set term until the member is replaced by the chair of
57 the Utah College of Applied Technology Board of Trustees.

58 (2) (a) Five members of the board, other than the student member, the State Board of

59 Education members, and the Utah College of Applied Technology Board of Trustees member,
60 shall be appointed during each odd-numbered year to six-year staggered terms which
61 commence on July 1 of the year of appointment.

62 (b) (i) The student member shall be appointed for a one-year term and may be
63 reappointed for one additional term.

64 (ii) The student member has full voting rights and may vote on selection of a board
65 chair or vice chair, but not serve in either office.

66 (c) Board members shall hold office until their successors have been appointed and
67 qualified.

68 ~~[(d) The governor shall make the appointments in Subsection (1)(b)(iv)(A) by~~
69 ~~September 30, 2011.]~~

70 (3) (a) Each member of the board shall take the official oath of office before entering
71 upon the duties of office.

72 (b) The oath shall be filed with the Division of Archives and Records Services.

73 (4) The board shall elect a chair and vice chair from its members who shall serve terms
74 of two years and until their successors are chosen and qualified.

75 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve
76 at its discretion.

77 (b) The secretary shall be a full-time employee who receives a salary set by the board.

78 (c) The secretary shall record and maintain a record of all board meetings and perform
79 other duties as the board directs.

80 (6) The board shall appoint a treasurer who serves at the discretion of the board.

81 (7) (a) The board may establish advisory committees.

82 (b) The powers and authority of the board are nondelegable, except as specifically
83 provided for in this title.

84 (c) All matters requiring board determination shall be addressed in a properly convened
85 meeting of the board or its executive committee.

86 (8) The board shall enact bylaws for its own government not inconsistent with the
87 constitution or the laws of this state.

88 (9) (a) The board shall meet regularly upon its own determination.

89 (b) The board may also meet, in full or executive session, at the request of its chair, its

90 executive officer, or five members of the board.

91 (10) A quorum of the voting members of the board is required to conduct its business
92 and consists of nine members.

93 (11) (a) A vacancy in the board occurring before the expiration of a voting member's
94 full term shall be immediately filled by appointment by the governor with the consent of the
95 Senate.

96 (b) The appointee serves for the remainder of the unexpired term.

97 (12) A board member may not receive compensation or benefits for the member's
98 service, but may receive per diem and travel expenses in accordance with:

99 (a) Section 63A-3-106;

100 (b) Section 63A-3-107; and

101 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
102 63A-3-107.

103 **Section 2. Effective date.**

104 If approved by two-thirds of all the members elected to each house, this bill takes effect
105 upon approval by the governor, or the day following the constitutional time limit of Utah
106 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
107 the date of veto override.

Legislative Review Note
as of 9-27-11 3:42 PM

Office of Legislative Research and General Counsel

1 **CONCURRENT RESOLUTION RECOGNIZING THE 75TH**
2 **ANNIVERSARY OF THE WELFARE SYSTEM OF THE**
3 **CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

4 2011 THIRD SPECIAL SESSION
5 STATE OF UTAH

7 **LONG TITLE**

8 **General Description:**

9 This concurrent resolution of the Legislature and the Governor recognizes the 75th
10 Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints
11 and the significant impact the system has had, both in Utah and throughout the world,
12 in helping people in need.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ recognizes the 75th Anniversary of the Welfare System of the Church of Jesus
16 Christ of Latter-day Saints;
- 17 ▶ recognizes the significant impact the system has had, both in Utah and throughout
18 the world; and
- 19 ▶ recognizes the many efforts made by the church and its members, through its
20 welfare system efforts, to serve others regardless of religious affiliation.

21 **Special Clauses:**

22 None

24 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

25 WHEREAS, in 1936, seven years into the Great Depression, Heber J. Grant, President
26 of the Church of the Jesus Christ of Latter-day Saints, announced the creation of what came to
27 be known as the church's welfare system;

28 WHEREAS, President Grant explained, "Our primary purpose was to set up . . . a
29 system under which the curse of idleness would be done away with, the evils of a dole
30 abolished, and independence, industry, thrift and self respect be once more established amongst
31 our people . . . The aim of the Church is to help the people to help themselves. Work is to be

32 re-enthroned as the ruling principle of the lives of our Church membership";

33 WHEREAS, today, the welfare system has expanded to all corners of the globe and
34 assists people of all faiths;

35 WHEREAS, the church's welfare system cares for the needy while teaching principles
36 that will help people become self-reliant and retain their self respect;

37 WHEREAS, the system also provides all church members opportunities to serve others;

38 WHEREAS, funding for the welfare system is provided by donations from church
39 members, who go without two meals one Sunday each month and give the money they would
40 have spent on food to the church;

41 WHEREAS, needy people are identified by the leader of local church congregations,
42 with the assistance of the president of the Relief Society, a woman from the congregation who
43 serves as the leader of the women's organization;

44 WHEREAS, food and household items are provided to those who cannot afford them
45 and who bring a written requisition, signed by the leader of their local congregation, to a
46 facility called the Bishop's Storehouse;

47 WHEREAS, there are 129 storehouses located around the world;

48 WHEREAS, these storehouses provide commodity needs from the consecrated
49 sacrifices of church members;

50 WHEREAS, recipients of commodities are given the opportunity to work for what they
51 receive, to the extent of their ability;

52 WHEREAS, employment resource service centers are also part of the church's welfare
53 system and provide a place where people can receive job training, learn to enhance their
54 resumes, and find job opportunities;

55 WHEREAS, there are nearly 300 employment resource service centers around the
56 world, where every year volunteers help hundreds of thousands of people to find jobs, a large
57 percentage of which are not members of the church;

58 WHEREAS, the church's welfare system also includes Deseret Industries, which serves
59 as an employment training facility and operates thrift stores;

60 WHEREAS, these stores provide on-the-job experience for refugees or others who need
61 help qualifying for long-term employment;

62 WHEREAS, these stores are stocked by individual donations, which are stored and

63 stocked by the workers and then offered to the public at inexpensive prices;

64 WHEREAS, the church's welfare system also includes LDS Family Services, a private,
65 nonprofit organization that provides counseling, adoption services, addiction recovery support
66 groups, and resources for social, emotional, and spiritual challenges;

67 WHEREAS, the influence and power for good exerted by the welfare system of the
68 Church of Jesus Christ of Latter-day Saints has greatly expanded over its 75-year history; and

69 WHEREAS, the positive impact of the church's welfare system in the state of Utah has
70 assisted untold numbers of Utah's citizens:

71 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
72 Governor concurring therein, recognize the 75th Anniversary of the Welfare System of the
73 Church of Jesus Christ of Latter-day Saints.

74 BE IT FURTHER RESOLVED that the Legislature and the Governor recognize the
75 significant contribution that the Welfare System of the Church of Jesus Christ of Latter-day
76 Saints, and the implementation of its guiding principles, has had on the citizens of the state of
77 Utah and many people throughout the world.

78 WHEREAS, BE IT FURTHER RESOLVED that the Legislature and the Governor
79 recognize the many efforts made by the church and its members, through its welfare system
80 efforts, to serve others regardless of religious affiliation.

81 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Office of the
82 First Presidency of the Church of Jesus Christ of Latter-day Saints and to the Office of the
83 Presiding Bishopric.

Legislative Review Note
as of 9-30-11 4:51 PM

Office of Legislative Research and General Counsel

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CONCURRENT RESOLUTION ON SCOFIELD LAND

TRANSFER

2011 THIRD SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to sponsor legislation to resolve the Scofield land transfer issue.

Highlighted Provisions:

This resolution:

- urges Utah's congressional delegation to sponsor legislation to resolve the Scofield land transfer issue as outlined in this resolution, and to make every effort to see it successfully pass the United States Congress.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the United States, acting through the United States Bureau of Reclamation (BOR) and in cooperation with Price River Water Conservancy District and Carbon Water Conservancy District, acquired lands to accommodate both normal and flood control storage of water;

WHEREAS, in 1946, the United States, acting through the BOR, completed construction of the Scofield Dam to provide water for irrigation, municipal, and industrial purposes;

WHEREAS, the only features of the Scofield Project are Scofield Dam and Reservoir, which are designed to impound both normal and flood flows;

WHEREAS, in order to store flood flows, the dam and reservoir basin are designed with space for storage of water at levels between the normal water surface elevation and the flood surcharge elevation;

32 WHEREAS, to safely accommodate the flood storage, the United States acquired lands,
33 and interests in lands, up to and sufficiently beyond the flood surcharge elevation of the
34 reservoir;

35 WHEREAS, residents have paid Carbon County property taxes for the entire time that
36 they have claimed title to the property and the United States has made Payments In Lieu of
37 Taxes since acquisition of the property and completion of the project;

38 WHEREAS, claimants have constructed private wells and other utilities on the United
39 States property and a special service district was created to construct, operate, and maintain a
40 sewer system within the subdivision;

41 WHEREAS, claimants should have a choice of one of two options to resolve issues of
42 trespass and encroachment;

43 WHEREAS, the first option available to claimants should be: to authorize the Secretary
44 of the Interior to transfer a fee interest in the claimed portion of the property above the
45 elevation of the crest of the existing spillway, if the claimant remits to the United States the
46 current fair market value of the fee interest in the claimed portion of the property, exclusive of
47 the value of any permanent structures; to retain a flood easement by the United States over the
48 entire tract; and to have deed restrictions requiring, among other things, the claimant to secure
49 or tie down any and all structures so as to prevent them from being displaced during any flood
50 event;

51 WHEREAS, the second option to claimants should be to authorize the Secretary of the
52 Interior to grant to a claimant an easement or life estate permitting the continued occupation of
53 the claimed portion of the property above the elevation of the crest of the existing spillway
54 elevation and the continued existence of existing structures, subject to the claimant remitting to
55 the United States the current fair market value of the easement or life estate provisions under
56 which the claimant agrees to hold the United States harmless for any and all claims arising
57 from the design, construction, operation, or replacement of Scofield Dam and Reservoir; and
58 an easement or life estate provisions requiring, among other things, the claimant to secure or tie
59 down any and all structures to prevent them from being displaced during any flood event;

60 WHEREAS, federal revenues generated from the exercise of either option should be
61 retained in a trust fund administered by the United States Secretary of the Interior, acting
62 through the BOR and used for the purpose of providing enhanced recreation opportunities at

63 Scofield Reservoir;

64 WHEREAS, Senator Orrin Hatch is the lead sponsor of the Scofield Land Transfer Act,
65 legislation that is pending introduction before the United States Senate that is designed to
66 resolve the Scofield land transfer issue; and

67 WHEREAS, the efforts of Governor Herbert, Alan Christensen, John Jones, Boyd
68 Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed
69 Vidmar, and Ted Wilson have helped to shape this solution to the issue:

70 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
71 Governor concurring therein, urge Utah's congressional delegation to sponsor legislation that
72 resolves the Scofield land transfer issue as outlined in this resolution, and to make every effort
73 to see it successfully pass the United States Congress.

74 BE IT FURTHER RESOLVED that the Legislature and the Governor express
75 appreciation to Governor Herbert, Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara,
76 Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed Vidmar, and Ted Wilson for
77 their efforts in developing a solution to this issue.

78 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
79 Leader of the United States Senate, the Speaker of the United States House of Representatives,
80 the Carbon County Commission, the United States Bureau of Reclamation, Governor Herbert,
81 Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert
82 Spensko, Mike Milovich, Ed Vidmar, Ted Wilson, and to the members of Utah's congressional
83 delegation.

Legislative Review Note
as of 9-30-11 4:55 PM

Office of Legislative Research and General Counsel

PRESIDENTIAL CANDIDATE AMENDMENTS

2011 THIRD SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ authorizes and establishes requirements for a political party to participate in a regular primary election for office of the President of the United States if there is no Western States Presidential Primary;
- ▶ directs the lieutenant governor to certify the results of the primary canvass to a political party by August 1;
- ▶ makes certain exceptions for presidential candidates in the primary election process;
- ▶ requires a political party to certify presidential electors by August 31; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

- 20A-4-306**, as last amended by Laws of Utah 2009, Chapter 202
- 20A-9-201**, as last amended by Laws of Utah 2011, Chapters 58 and 208
- 20A-9-202.5**, as enacted by Laws of Utah 1999, Chapter 22
- 20A-9-403 (Superseded 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292, 297, and 335
- 20A-9-403 (Effective 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292, 297, 327, and 335
- 20A-9-802**, as last amended by Laws of Utah 2008, Chapter 225
- 20A-13-301**, as last amended by Laws of Utah 2001, Chapter 78

33

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

35 Section 1. Section **20A-4-306** is amended to read:

36 **20A-4-306. Statewide canvass.**

37 (1) (a) The state board of canvassers shall convene:

38 (i) on the fourth Monday of November, at noon; or

39 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
40 returns of a statewide special election.

41 (b) The state auditor, the state treasurer, and the attorney general are the state board of
42 canvassers.

43 (c) Attendance of all members of the state board of canvassers shall be required to
44 constitute a quorum for conducting the canvass.

45 (2) (a) The state board of canvassers shall:

46 (i) meet in the lieutenant governor's office; and

47 (ii) compute and determine the vote for officers and for and against any ballot
48 propositions voted upon by the voters of the entire state or of two or more counties.

49 (b) The lieutenant governor, as secretary of the board shall file a report in his office
50 that details:

51 (i) for each statewide officer and ballot proposition:

52 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

53 (B) the candidates for each statewide office whose names appeared on the ballot, plus
54 any recorded write-in candidates;

55 (C) the number of votes from each county cast for each candidate and for and against
56 each ballot proposition;

57 (D) the total number of votes cast statewide for each candidate and for and against each
58 ballot proposition; and

59 (E) the total number of votes cast statewide; and

60 (ii) for each officer or ballot proposition voted on in two or more counties:

61 (A) the name of each of those offices and ballot propositions that appeared on the
62 ballot;

63 (B) the candidates for those offices, plus any recorded write-in candidates;

64 (C) the number of votes from each county cast for each candidate and for and against
65 each ballot proposition; and

66 (D) the total number of votes cast for each candidate and for and against each ballot
67 proposition.

68 (c) The lieutenant governor shall:

69 (i) prepare certificates of election for:

70 (A) each successful candidate; and

71 (B) each of the presidential electors of the candidate for president who received a
72 majority of the votes;

73 (ii) authenticate each certificate with his seal; and

74 (iii) deliver a certificate of election to:

75 (A) each candidate who had the highest number of votes for each office; and

76 (B) each of the presidential electors of the candidate for president who received a
77 majority of the votes.

78 (3) If the lieutenant governor has not received election returns from all counties on the
79 fifth day before the day designated for the meeting of the state board of canvassers, the
80 lieutenant governor shall:

81 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
82 county;

83 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
84 required by Section 20A-4-304 from the clerk; and

85 (c) pay the messenger the per diem provided by law as compensation.

86 (4) The state board of canvassers may not withhold the declaration of the result or any
87 certificate of election because of any defect or informality in the returns of any election if the
88 board can determine from the returns, with reasonable certainty, what office is intended and
89 who is elected to it.

90 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
91 governor shall:

92 (i) canvass the returns for all multicounty candidates required to file with the office of
93 the lieutenant governor; and

94 (ii) publish and file the results of the canvass in the lieutenant governor's office.

95 (b) ~~[The]~~ Not later than the August 1 after the primary election, the lieutenant governor
96 shall certify the results of:

97 (i) the primary canvass, except for the office of President of the United States, to the
98 county clerks [not later than the August 1 after the primary election]; and

99 (ii) the primary canvass for the office of President of the United States to each
100 registered political party that participated in the primary.

101 (6) (a) At noon on the day that falls seven days after the last day on which a county
102 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary
103 election, the lieutenant governor shall:

104 (i) canvass the returns; and

105 (ii) publish and file the results of the canvass in the lieutenant governor's office.

106 (b) The lieutenant governor shall certify the results of the Western States Presidential
107 Primary canvass to each registered political party that participated in the primary not later than
108 the April 15 after the primary election.

109 Section 2. Section **20A-9-201** is amended to read:

110 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
111 **more than one political party prohibited with exceptions -- General filing and form**
112 **requirements -- Affidavit of impecuniosity.**

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

114 (a) be a United States citizen; and

115 (b) meet the legal requirements of that office.

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

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

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

120 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, President
121 or Vice President of the United States and another office, if the person resigns the person's
122 candidacy for the other office after the person is officially nominated for President or Vice
123 President of the United States.

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

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

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

130 (B) require the candidate to state whether or not the candidate meets those
131 requirements.

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

134 (A) a United States citizen;

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

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

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

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

145 (A) a United States citizen;

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

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

150 (D) a current resident of the prosecution district in which the person is seeking office
151 and either will have been a resident of that prosecution district for at least one year as of the
152 date of the election or was appointed and is currently serving as district attorney and became a
153 resident of the prosecution district within 30 days after receiving appointment to the office.

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

156 (A) as of the date of filing:

- 157 (I) is a United States citizen;
- 158 (II) is a registered voter in the county in which the person seeks office;
- 159 (III) (Aa) has successfully met the standards and training requirements established for
160 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
161 Certification Act; or
- 162 (Bb) has met the waiver requirements in Section 53-6-206; and
- 163 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
164 53-13-103; and
- 165 (B) as of the date of the election, shall have been a resident of the county in which the
166 person seeks office for at least one year.
- 167 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
168 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
169 Education member, the filing officer shall ensure:
- 170 (A) that the person filing the declaration of candidacy also files the financial disclosure
171 required by Section 20A-11-1603; and
- 172 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
173 provided to the lieutenant governor according to the procedures and requirements of Section
174 20A-11-1603.
- 175 (b) If the prospective candidate states that the qualification requirements for the office
176 are not met, the filing officer may not accept the prospective candidate's declaration of
177 candidacy.
- 178 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
179 requirements of candidacy are met, the filing officer shall:
- 180 (i) inform the candidate that:
- 181 (A) the candidate's name will appear on the ballot as it is written on the declaration of
182 candidacy;
- 183 (B) the candidate may be required to comply with state or local campaign finance
184 disclosure laws; and
- 185 (C) the candidate is required to file a financial statement before the candidate's political
186 convention under:
- 187 (I) Section 20A-11-204 for a candidate for constitutional office;

188 (II) Section 20A-11-303 for a candidate for the Legislature; or
189 (III) local campaign finance disclosure laws, if applicable;
190 (ii) except for a presidential candidate, provide the candidate with a copy of the current
191 campaign financial disclosure laws for the office the candidate is seeking and inform the
192 candidate that failure to comply will result in disqualification as a candidate and removal of the
193 candidate's name from the ballot;
194 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
195 Electronic Voter Information Website Program and inform the candidate of the submission
196 deadline under Subsection 20A-7-801(4)(a);
197 (iv) provide the candidate with a copy of the pledge of fair campaign practices
198 described under Section 20A-9-206 and inform the candidate that:
199 (A) signing the pledge is voluntary; and
200 (B) signed pledges shall be filed with the filing officer;
201 (v) accept the candidate's declaration of candidacy; and
202 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
203 declaration of candidacy to the chair of the county or state political party of which the
204 candidate is a member.
205 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
206 officer shall:
207 (i) accept the candidate's pledge; and
208 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
209 candidate's pledge to the chair of the county or state political party of which the candidate is a
210 member.
211 (4) Except for presidential candidates, the form of the declaration of candidacy shall be
212 substantially as follows:
213 "State of Utah, County of ____
214 I, _____, declare my intention of becoming a candidate for the office
215 of ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the
216 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
217 _____ in the City or Town of _____, Utah, Zip Code ____ Phone No. ____; I
218 will not knowingly violate any law governing campaigns and elections; I will file all

219 campaign financial disclosure reports as required by law; and I understand that failure
220 to do so will result in my disqualification as a candidate for this office and removal of
221 my name from the ballot. The mailing address that I designate for receiving official
222 election notices is _____.

223 _____

224 Subscribed and sworn before me this _____(month\day\year).

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

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

228 (i) \$25 for candidates for the local school district board; and

229 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
230 holding the office, but not less than \$5, for all other federal, state, and county offices.

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

233 (i) who is disqualified; or

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

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

237 (ii) The lieutenant governor shall:

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

240 (B) ensure that each county receives that proportion of the total amount paid to the
241 lieutenant governor from the congressional district that the total vote of that county for all
242 candidates for representative in Congress bears to the total vote of all counties within the
243 congressional district for all candidates for representative in Congress.

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

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

249 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

250 statement filed under this section shall be subject to the criminal penalties provided under
251 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

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

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

257 "Affidavit of Impecuniosity

258 Individual Name

259 _____ Address _____

260 Phone Number _____

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

264 Date _____ Signature _____

265 Affiant

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

267 _____
268 (signature)

269 Name and Title of Officer Authorized to Administer Oath _____"

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

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

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

279 (6) If there is no legislative appropriation for the Western States Presidential Primary
280 election, as provided in Part 8, Western States Presidential Primary, a candidate for President

281 of the United States who is affiliated with a registered political party and chooses to participate
 282 in the regular primary election shall:

283 (a) file a declaration of candidacy, in person or via a designated agent, with the
 284 lieutenant governor:

285 (i) on a form developed and provided by the lieutenant governor; and

286 (ii) on or after the second Friday in March and before 5 p.m. on the third Thursday in
 287 March before the next regular primary election;

288 (b) identify the registered political party whose nomination the candidate is seeking;

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

291 (d) pay the filing fee of \$500.

292 ~~[(6)]~~ (7) Any person who fails to file a declaration of candidacy or certificate of
 293 nomination within the time provided in this chapter is ineligible for nomination to office.

294 ~~[(7)]~~ (8) A declaration of candidacy filed under this section may not be amended or
 295 modified after the final date established for filing a declaration of candidacy.

296 Section 3. Section **20A-9-202.5** is amended to read:

297 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

298 (1) As used in this section:

299 (a) "Presidential candidate" means a person seeking nomination for President of the
 300 United States from a Utah registered political party.

301 (b) "Utah registered political party" means a political party that has complied with the
 302 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a
 303 political party officially recognized by the state.

304 (2) Each presidential candidate, or the candidate's designated agent, shall file a
 305 declaration of candidacy with the lieutenant governor as provided in:

306 (a) Section 20A-9-803[-], for participation in the Western States Presidential Primary
 307 election; or

308 (b) Section 20A-9-201, for participation in the regular primary election.

309 Section 4. Section **20A-9-403 (Superseded 01/01/12)** is amended to read:

310 **20A-9-403 (Superseded 01/01/12). Regular primary elections.**

311 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular

312 primary election day.

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

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

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

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

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

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

325 (i) certify the name and office of all of the registered political party's candidates to the
326 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

327 (ii) certify the name and office of each of its county candidates to the county clerks by
328 5 p.m. on May 13 of each even-numbered year.

329 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall
330 send the county clerks a certified list of the names of all statewide candidates, multicounty
331 candidates, or single county candidates that shall be printed on the primary ballot and the order
332 the candidates are to appear on the ballot in accordance with Section 20A-6-305.

333 (d) ~~[(i) Except as provided in Subsection (2)(d)(ii);]~~ Except for presidential candidates,
334 if a registered political party does not wish to participate in the primary election, it shall submit
335 the names of its county candidates to the county clerks and the names of all of its candidates to
336 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

337 ~~[(ii) A registered political party's candidates for president and vice president of the~~
338 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~
339 ~~20A-9-202(4).]~~

340 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~
341 ~~candidates and presidential electors to the lieutenant governor's office no later than September~~
342 ~~8 of each presidential election year.]~~

343 (3) The county clerk shall:

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

346 (b) place the names of all candidates who have filed a declaration of candidacy for a
347 local board of education seat on the nonpartisan section of the ballot if more than two
348 candidates have filed for the same seat; and

349 (c) determine the order of the candidates' names on the ballot in accordance with
350 Section 20A-6-305.

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

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

357 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
358 votes cast for each office at the regular primary election are nominated by their party or
359 nonpartisan group for that office.

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

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

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

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

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

376 Section 5. Section **20A-9-403 (Effective 01/01/12)** is amended to read:

377 **20A-9-403 (Effective 01/01/12). Regular primary elections.**

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

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

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

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

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

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

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

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

395 (ii) certify the name and office of each of its county candidates to the county clerks by
396 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

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

402 (d) [~~(f) Except as provided in Subsection (2)(d)(ii)~~] Except for presidential candidates,
403 if a registered political party does not wish to participate in the primary election, it shall submit
404 the names of its county candidates to the county clerks and the names of all of its candidates to

405 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

406 ~~[(ii) A registered political party's candidates for President and Vice-President of the~~
407 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~
408 ~~20A-9-202(4).]~~

409 ~~[(c) Each political party shall certify the names of its presidential and vice-presidential~~
410 ~~candidates and presidential electors to the lieutenant governor's office no later than August 31~~
411 ~~of each presidential election year.]~~

412 (3) The county clerk shall:

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

415 (b) place the names of all candidates who have filed a declaration of candidacy for a
416 local board of education seat on the nonpartisan section of the ballot if more than two
417 candidates have filed for the same seat; and

418 (c) determine the order of the candidates' names on the ballot in accordance with
419 Section 20A-6-305.

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

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

426 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
427 votes cast for each office at the regular primary election are nominated by their party or
428 nonpartisan group for that office.

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

433 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
434 office that represents more than one county, the governor, lieutenant governor, and attorney
435 general shall, at a public meeting called by the governor and in the presence of the candidates

436 involved, select the nominee by lot cast in whatever manner the governor determines.

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

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

445 Section 6. Section **20A-9-802** is amended to read:

446 **20A-9-802. Western States Presidential Primary established -- Other ballot items**
447 **prohibited.**

448 (1) (a) (i) Contingent upon legislative appropriation, there is established a Western
449 States Presidential Primary election to be held on the first Tuesday in February in the year in
450 which a presidential election will be held.

451 (ii) A political party may participate in a regular primary election for the office of
452 President of the United States only if there is no Western States Presidential Primary election in
453 that year.

454 (b) Except as otherwise specifically provided in this chapter, county clerks shall
455 administer the Western States Presidential Primary according to the provisions of Title 20A,
456 Election Code, including:

- 457 (i) Title 20A, Chapter 1, General Provisions;
- 458 (ii) Title 20A, Chapter 2, Voter Registration;
- 459 (iii) Title 20A, Chapter 3, Voting;
- 460 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;
- 461 (v) Title 20A, Chapter 5, Election Administration; and
- 462 (vi) Title 20A, Chapter 6, Ballot Form.

463 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
464 States Presidential Primary contains only the names of candidates for President of the United
465 States who have qualified as provided in this part.

466 (ii) The county clerks may not present any other items to the voters to be voted upon at

467 this election.

468 (2) Registered political parties, and candidates for President of the United States who
469 are affiliated with a registered political party, may participate in the Western States Presidential
470 Primary established by this part.

471 (3) As a condition for using the state's election system, each registered political party
472 wishing to participate in Utah's Western States Presidential Primary shall:

473 (a) declare their intent to participate in the Western States Presidential Primary;

474 (b) identify one or more registered political parties whose members may vote for the
475 registered political party's candidates and whether or not persons identified as unaffiliated with
476 a political party may vote for the registered political party's candidates; and

477 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June
478 30 of the year before the year in which the presidential primary will be held.

479 Section 7. Section **20A-13-301** is amended to read:

480 **20A-13-301. Presidential elections -- Effect of vote.**

481 (1) (a) Each registered political party shall choose persons to act as presidential electors
482 and to fill vacancies in the office of presidential electors for their party's candidates for
483 President and Vice President according to the procedures established in their bylaws.

484 (b) ~~[The person designated as liaison with the lieutenant governor's office shall~~
485 ~~transmit]~~ Each registered political party shall certify to the lieutenant governor the names and
486 addresses of the persons selected by the political party as the party's presidential electors by
487 August 31.

488 (2) The highest number of votes cast for a political party's president and vice president
489 candidates elects the presidential electors selected by that political party.

490 Section 8. **Effective date.**

491 If approved by two-thirds of all the members elected to each house, this bill takes effect
492 upon approval by the governor, or the day following the constitutional time limit of Utah
493 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
494 the date of veto override.

Legislative Review Note
as of 9-30-11 4:56 PM

Office of Legislative Research and General Counsel

BILL REQUEST PROCEDURES JOINT RESOLUTION

2011 THIRD SPECIAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This rules resolution modifies procedures for prioritizing requests for legislation.

Highlighted Provisions:

This resolution:

- ▶ extends and staggers the deadlines for a legislator to designate priority status for a request for legislation;
- ▶ provides that a legislator will forfeit one or more priority requests if the legislator fails to make a priority designation before a staggered deadline passes;
- ▶ clarifies existing restrictions on the use and transfer of priority designations;
- ▶ clarifies language regulating the order in which legislation is drafted; and
- ▶ changes language to provide for more consistent use of terms.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR4-2-102

Be it resolved by the Legislature of the state of Utah:

Section 1. **JR4-2-102** is amended to read:

JR4-2-102. Prioritizing Legislation.

~~[(1) Consistent with JR4-2-101 on prefiling of bills, beginning 60 days after each annual general session and ending December 1 of each year, each legislator may make an irrevocable and nontransferable prioritization of up to three bills.]~~

(1) (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a legislator may designate up to three requests for legislation as priority requests subject to the following deadlines:

(i) priority request number one must be requested on or before the first Thursday in

33 December, or the following business day if the first Thursday falls on a holiday;

34 (ii) priority request number two must be requested on or before the first Thursday in
35 January, or the following business day if the first Thursday falls on a holiday; and

36 (iii) priority request number three must be requested on or before the first Thursday of
37 the annual general session.

38 (b) A legislator who fails to make a priority request on or before a deadline loses that
39 priority request. However, the legislator is not prohibited from using any remaining priority
40 requests that are associated with a later deadline, if available.

41 (c) A legislator who begins serving after a deadline has passed is entitled to use only
42 those priority requests that are available under an unexpired deadline.

43 (2) A legislator may not:

44 (a) revoke a priority designation once it has been requested;

45 (b) transfer a priority designation to a different request for legislation; or

46 (c) transfer a priority designation to another legislator.

47 ~~[(2)]~~ (3) (a) (i) When sufficient drafting information is available, [priority bills]
48 prioritized requests for legislation and interim committee bills shall be drafted [first] before
49 other requests for legislation.

50 (ii) ~~[All other bills]~~ Subject to preference for priority status as provided in Subsection
51 (3)(a)(i), requests for legislation shall be drafted on a first-in, first-out basis.

52 (b) Except as otherwise provided in these rules, ~~[before numbering any bills,]~~ the
53 Office of Legislative Research and General Counsel shall reserve as many bill numbers as
54 necessary to allow all ~~[designated priority bills to be the first bills numbered]~~ prioritized
55 requests for legislation to receive lower bill numbers than non-prioritized requests.