

1 **Financial and Conflict of Interest Disclosures by Candidates Amendments**
 2025 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Lisa Shepherd
 Senate Sponsor: Ronald M. Winterton

Cosponsor:

Paul A. Cutler

2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to campaign finance and conflict of interest disclosures.

6 **Highlighted Provisions:**

7 This bill:

8 ▸ requires a candidate for elective office in a county, municipality, or special district to file
9 a conflict of interest disclosure statement at the time the candidate files a declaration of
10 candidacy;

11 ▸ requires a candidate seeking to fill a midterm vacancy in an office described above to file
12 a financial report of contributions and expenditures;

13 ▸ for a midterm vacancy in an office described above, or for a midterm vacancy in a
14 statewide, state school board, or state legislative office, requires a candidate seeking to
15 fill the vacancy to file a conflict of interest disclosure statement;

16 ▸ requires an election officer who receives a conflict of interest disclosure statement to
17 make the disclosure available for public inspection on the state's or political
18 subdivision's website;

19 ▸ if a midterm vacancy occurs in an office for which a registered political party is entitled
20 to declare a nominee to fill the vacancy, requires the registered political party to notify
21 the election officer of the date, time, and location of the meeting to select the nominee;

22 ▸ requires a candidate seeking to fill a midterm vacancy on the state school board to file an
23 interim financial report with the lieutenant governor;

24 ▸ clarifies when a vacancy occurs in an elective office described above;

25 ▸ for a midterm vacancy in certain county offices and in a municipal office, requires the

- 26 county or municipal legislative body to notify, respectively, the county or municipal
 27 clerk;
- 28 ‣ establishes deadlines related to the processes described above;
 - 29 ‣ for state and legislative office candidates seeking appointment to fill a midterm vacancy,
 30 amends the deadline to file a campaign finance report with the lieutenant governor;
 - 31 ‣ amends conflict of interest disclosure provisions to:
 - 32 • eliminate a disclosure related to a candidate's or officeholder's spousal information;
 - 33 • require the disclosure of certain household adult information only in certain
 34 circumstances; and
 - 35 • permit the candidate or officeholder making the disclosure to request the redaction of
 36 certain personally identifiable information from the disclosure if the candidate,
 37 officeholder, or the candidate's or officeholder's spouse is an at-risk government
 38 employee; and
 - 39 ‣ makes technical and conforming changes.

Money Appropriated in this Bill:

41 None

Other Special Clauses:

43 None

Utah Code Sections Affected:

45 AMENDS:

46 **10-3-208**, as last amended by Laws of Utah 2024, Chapter 158

47 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435

48 **17-16-6.5**, as last amended by Laws of Utah 2024, Chapter 158

49 **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

50 **20A-1-504**, as last amended by Laws of Utah 2020, Chapter 352

51 **20A-1-508**, as last amended by Laws of Utah 2022, Chapters 13, 166 and 177

52 **20A-1-509.1**, as last amended by Laws of Utah 2022, Chapter 13

53 **20A-1-509.2**, as last amended by Laws of Utah 2019, Chapter 255

54 **20A-1-510**, as last amended by Laws of Utah 2024, Chapters 438, 450

55 **20A-1-511**, as last amended by Laws of Utah 2020, Chapter 271

56 **20A-8-101**, as last amended by Laws of Utah 2023, Chapter 68

57 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443

58 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20

59 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20

60 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
 61 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
 62 **36-11-102**, as last amended by Laws of Utah 2024, Chapters 425, 438

63 ENACTS:

64 **10-3-301.5**, Utah Code Annotated 1953
 65 **17-16-1.5**, Utah Code Annotated 1953
 66 **17B-1-306.1**, Utah Code Annotated 1953
 67 **20A-8-402.6**, Utah Code Annotated 1953

68
 69 *Be it enacted by the Legislature of the state of Utah:*

70 Section 1. Section **10-3-208** is amended to read:

71 **10-3-208 . Campaign finance disclosure in municipal election.**

72 (1) Unless a municipality adopts by ordinance more stringent definitions, the following are
 73 defined terms for purposes of this section:

74 (a) "Agent of a candidate" means:

- 75 (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- 76 (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- 77 (iii) the personal campaign committee of a candidate;
- 78 (iv) a member of the personal campaign committee of a candidate in the member's
- 79 capacity as a member of the personal campaign committee of the candidate; or
- 80 (v) a political consultant of a candidate.

81 (b) "Anonymous contribution limit" means for each calendar year:

- 82 (i) \$50; or
- 83 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

84 (c)(i) "Candidate" means a person who:

- 85 (A) files a declaration of candidacy for municipal office; or
- 86 (B) receives contributions, makes expenditures, or gives consent for any other
- 87 person to receive contributions or make expenditures to bring about the
- 88 person's nomination or election to a municipal office.

89 (ii) "Candidate" does not mean a person who files for the office of judge.

90 (d)(i) "Contribution" means any of the following when done for political purposes:

- 91 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything
- 92 of value given to a candidate;
- 93 (B) an express, legally enforceable contract, promise, or agreement to make a gift,

- 94 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
95 money or anything of value to the candidate;
- 96 (C) any transfer of funds from another reporting entity to the candidate;
- 97 (D) compensation paid by any person or reporting entity other than the candidate
98 for personal services provided without charge to the candidate;
- 99 (E) a loan made by a candidate deposited to the candidate's own campaign; and
- 100 (F) an in-kind contribution.
- 101 (ii) "Contribution" does not include:
- 102 (A) services provided by an individual volunteering a portion or all of the
103 individual's time on behalf of the candidate if the services are provided without
104 compensation by the candidate or any other person;
- 105 (B) money lent to the candidate by a financial institution in the ordinary course of
106 business; or
- 107 (C) goods or services provided for the benefit of a candidate at less than fair
108 market value that are not authorized by or coordinated with the candidate.
- 109 (e) "Coordinated with" means that goods or services provided for the benefit of a
110 candidate are provided:
- 111 (i) with the candidate's prior knowledge, if the candidate does not object;
- 112 (ii) by agreement with the candidate;
- 113 (iii) in coordination with the candidate; or
- 114 (iv) using official logos, slogans, and similar elements belonging to a candidate.
- 115 (f)(i) "Expenditure" means any of the following made by a candidate or an agent of
116 the candidate on behalf of the candidate:
- 117 (A) any disbursement from contributions, receipts, or from an account described
118 in Subsection (3)(a);
- 119 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of
120 money, or anything of value made for political purposes;
- 121 (C) an express, legally enforceable contract, promise, or agreement to make any
122 purchase, payment, donation, distribution, loan, advance, deposit, gift of
123 money, or anything of value for a political purpose;
- 124 (D) compensation paid by a candidate for personal services rendered by a person
125 without charge to a reporting entity;
- 126 (E) a transfer of funds between the candidate and a candidate's personal campaign
127 committee as defined in Section 20A-11-101; or

- 128 (F) goods or services provided by a reporting entity to or for the benefit of the
129 candidate for political purposes at less than fair market value.
- 130 (ii) "Expenditure" does not include:
- 131 (A) services provided without compensation by an individual volunteering a
132 portion or all of the individual's time on behalf of a candidate; or
- 133 (B) money lent to a candidate by a financial institution in the ordinary course of
134 business.
- 135 (g) "In-kind contribution" means anything of value other than money, that is accepted by
136 or coordinated with a candidate.
- 137 (h)(i) "Political consultant" means a person who is paid by a candidate, or paid by
138 another person on behalf of and with the knowledge of the candidate, to provide
139 political advice to the candidate.
- 140 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),
141 where the person:
- 142 (A) has already been paid, with money or other consideration;
- 143 (B) expects to be paid in the future, with money or other consideration; or
- 144 (C) understands that the person may, in the discretion of the candidate or another
145 person on behalf of and with the knowledge of the candidate, be paid in the
146 future, with money or other consideration.
- 147 (i) "Political purposes" means an act done with the intent or in a way to influence or tend
148 to influence, directly or indirectly, any person to refrain from voting or to vote for or
149 against any candidate or a person seeking a municipal office at any caucus, political
150 convention, or election.
- 151 (j) "Reporting entity" means:
- 152 (i) a candidate;
- 153 (ii) a committee appointed by a candidate to act for the candidate;
- 154 (iii) a person who holds an elected municipal office;
- 155 (iv) a party committee as defined in Section 20A-11-101;
- 156 (v) a political action committee as defined in Section 20A-11-101;
- 157 (vi) a political issues committee as defined in Section 20A-11-101;
- 158 (vii) a corporation as defined in Section 20A-11-101; or
- 159 (viii) a labor organization as defined in Section 20A-11-1501.
- 160 (2)(a) A municipality may adopt an ordinance establishing campaign finance disclosure
161 requirements for a candidate that are more stringent than the requirements provided

- 162 in Subsections (3) through [~~(7)~~] (8).
- 163 (b) The municipality may adopt definitions that are more stringent than those provided
164 in Subsection (1).
- 165 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in
166 Subsection (2)(a), a candidate shall comply with financial reporting requirements
167 contained in Subsections (3) through [~~(7)~~] (8).
- 168 (3) Each candidate:
- 169 (a) shall deposit a contribution in a separate campaign account in a financial institution;
170 and
- 171 (b) may not deposit or mingle any campaign contributions received into a personal or
172 business account.
- 173 (4)(a) In a year in which a municipal primary is held, each candidate who will
174 participate in the municipal primary shall file a campaign finance statement with the
175 municipal clerk or recorder no later than seven days before the day described in
176 Subsection 20A-1-201.5(2).
- 177 (b) Each candidate who is not eliminated at a municipal primary election shall file a
178 campaign finance statement with the municipal clerk or recorder no later than:
- 179 (i) 28 days before the day on which the municipal general election is held;
180 (ii) seven days before the day on which the municipal general election is held; and
181 (iii) 30 days after the day on which the municipal general election is held.
- 182 (c) Each candidate for municipal office who is eliminated at a municipal primary
183 election shall file with the municipal clerk or recorder a campaign finance statement
184 within 30 days after the day on which the municipal primary election is held.
- 185 (5) If a municipality does not conduct a primary election for a race, each candidate who will
186 participate in that race shall file a campaign finance statement with the municipal clerk
187 or recorder no later than:
- 188 (a) 28 days before the day on which the municipal general election is held;
189 (b) seven days before the day on which the municipal general election is held; and
190 (c) 30 days after the day on which the municipal general election is held.
- 191 (6)(a) If a candidate seeks appointment to fill a midterm vacancy in a municipal office
192 the candidate shall, no later than three business days before the day on which the
193 municipal legislative body meets to interview the candidate in accordance with
194 Section 20A-1-510, file a campaign finance statement with the municipal clerk or
195 recorder.

196 (b) Upon receipt of the campaign finance statement described in Subsection (6)(a), the
197 municipal clerk or recorder shall immediately submit a copy of the statement to the
198 municipal legislative body.

199 ~~[(6)] (7)~~ Each campaign finance statement described in Subsection ~~[(4) or (5)]~~ (4), (5), or (6)
200 shall:

201 (a) except as provided in Subsection ~~[(6)(b)]~~ (7)(b):

202 (i) report all of the candidate's itemized and total:

203 (A) contributions, including in-kind and other nonmonetary contributions,
204 received up to and including five days before the campaign finance statement
205 is due, excluding a contribution previously reported; and

206 (B) expenditures made up to and including five days before the campaign finance
207 statement is due, excluding an expenditure previously reported; and

208 (ii) identify:

209 (A) for each contribution, the amount of the contribution and the name of the
210 donor, if known; and

211 (B) for each expenditure, the amount of the expenditure and the name of the
212 recipient of the expenditure; or

213 (b) report the total amount of all contributions and expenditures if the candidate receives
214 \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

215 ~~[(7)]~~ (8) Within 30 days after receiving a contribution that is cash or a negotiable
216 instrument, exceeds the anonymous contribution limit, and is from a donor whose name
217 is unknown, a candidate shall disburse the amount of the contribution to:

218 (a) the treasurer of the state or a political subdivision for deposit into the state's or
219 political subdivision's general fund; or

220 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
221 Internal Revenue Code.

222 ~~[(8)]~~ (9)(a) A municipality may, by ordinance:

223 (i) provide an anonymous contribution limit less than \$50;

224 (ii) require greater disclosure of contributions or expenditures than is required in this
225 section; and

226 (iii) impose additional penalties on candidates who fail to comply with the applicable
227 requirements beyond those imposed by this section.

228 (b) A candidate is subject to the provisions of this section and not the provisions of an
229 ordinance adopted by the municipality under Subsection ~~[(8)(a)]~~ (9)(a) if:

- 230 (i) the municipal ordinance establishes requirements or penalties that differ from
 231 those established in this section; and
- 232 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of
 233 the ordinance as required in Subsection [~~(9)~~] (10).
- 234 [~~(9)~~] (10) Each municipal clerk or recorder shall, at the time the candidate for municipal
 235 office files a declaration of candidacy, and again 35 days before each municipal general
 236 election, notify the candidate in writing of:
- 237 (a) the provisions of statute or municipal ordinance governing the disclosure of
 238 contributions and expenditures;
- 239 (b) the dates when the candidate's campaign finance statement is required to be filed; and
- 240 (c) the penalties that apply for failure to file a timely campaign finance statement,
 241 including the statutory provision that requires removal of the candidate's name from
 242 the ballot for failure to file the required campaign finance statement when required.
- 243 [~~(10)~~] (11) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
 244 Access and Management Act, the municipal clerk or recorder shall:
- 245 (a) make each campaign finance statement filed by a candidate available for public
 246 inspection and copying no later than one business day after the statement is filed; and
- 247 (b) make the campaign finance statement filed by a candidate available for public
 248 inspection by:
- 249 (i) posting an electronic copy or the contents of the statement on the municipality's
 250 website no later than seven business days after the day on which the statement is
 251 filed; and
- 252 (ii) in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii),
 253 providing the lieutenant governor with a link to the electronic posting described in
 254 Subsection [~~(10)(b)(i)~~] (11)(b)(i) no later than two business days after the day on
 255 which the statement is filed.
- 256 [~~(11)~~] (12)(a) If a candidate fails to timely file a campaign finance statement required
 257 under Subsection (4) or (5), the municipal clerk or recorder:
- 258 (i) may send an electronic notice to the candidate that states:
- 259 (A) that the candidate failed to timely file the campaign finance statement; and
- 260 (B) that, if the candidate fails to file the report within 24 hours after the deadline
 261 for filing the report, the candidate will be disqualified; and
- 262 (ii) may impose a fine of \$50 on the candidate.
- 263 (b) The municipal clerk or recorder shall disqualify a candidate and inform the

264 appropriate election official that the candidate is disqualified if the candidate fails to
265 file a campaign finance statement described in Subsection (4) or (5) within 24 hours
266 after the deadline for filing the report.

267 (c) If a candidate is disqualified under Subsection [~~(11)~~(b)] (12)(b), the election official:

268 (i) shall:

269 (A) notify every opposing candidate for the municipal office that the candidate is
270 disqualified;

271 (B) send an email notification to each voter who is eligible to vote in the
272 municipal election office race for whom the election official has an email
273 address informing the voter that the candidate is disqualified and that votes cast
274 for the candidate will not be counted;

275 (C) post notice of the disqualification on a public website; and

276 (D) if practicable, remove the candidate's name from the ballot by blacking out the
277 candidate's name before the ballots are delivered to voters; and

278 (ii) may not count any votes for that candidate.

279 [~~(12)~~] (13) An election official may fulfill the requirements described in Subsection [~~(11)~~
280 ~~(e)~~(i)] (12)(c)(i) in relation to a mailed ballot, including a military overseas ballot, by
281 including with the ballot a written notice:

282 (a) informing the voter that the candidate is disqualified; or

283 (b) directing the voter to a public website to inform the voter whether a candidate on the
284 ballot is disqualified.

285 [~~(13)~~] (14) Notwithstanding Subsection [~~(11)~~(b)] (12)(b), a candidate who timely files each
286 campaign finance statement required under Subsection (4) or (5) is not disqualified if:

287 (a) the statement details accurately and completely the information required under
288 Subsection [~~(6)~~] (7), except for inadvertent omissions or insignificant errors or
289 inaccuracies; and

290 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the
291 next scheduled report.

292 [~~(14)~~] (15) A candidate for municipal office who is disqualified under Subsection [~~(11)~~(b)]
293 (12)(b) shall file with the municipal clerk or recorder a complete and accurate campaign
294 finance statement within 30 days after the day on which the candidate is disqualified.

295 [~~(15)~~] (16) A campaign finance statement required under this section is considered filed if it
296 is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

297 [~~(16)~~] (17)(a) A private party in interest may bring a civil action in a court with

298 jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the
 299 provisions of this section or an ordinance adopted under this section.

300 (b) In a civil action under Subsection [~~(16)~~(a)] (17)(a), the court may award costs and
 301 attorney fees to the prevailing party.

302 Section 2. Section **10-3-301** is amended to read:

303 **10-3-301 . Notice -- Eligibility and residency requirements for elected municipal**
 304 **office -- Mayor and recorder limitations.**

305 (1) As used in this section:

306 (a) "Absent" means that an elected municipal officer fails to perform official duties,
 307 including the officer's failure to attend each regularly scheduled meeting that the
 308 officer is required to attend.

309 (b) "Principal place of residence" means the same as that term is defined in Section
 310 20A-2-105.

311 (c) "Secondary residence" means a place where an individual resides other than the
 312 individual's principal place of residence.

313 (2)(a) On or before May 1 in a year in which there is a municipal general election, the
 314 municipal clerk shall publish a notice that identifies:

315 (i) the municipal offices to be voted on in the municipal general election; and
 316 (ii) the dates for filing a declaration of candidacy for the offices identified under
 317 Subsection (2)(a)(i).

318 (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the
 319 municipality, as a class A notice under Section 63G-30-102, for at least seven days.

320 (3)(a) An individual who files a declaration of candidacy for a municipal office shall:

321 (i) comply with the requirements described in Section 20A-9-203[-] ; and
 322 (ii) file the conflict of interest disclosure statement described in Section 10-3-301.5.

323 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
 324 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates
 325 described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

326 (A) Saturday or Sunday; or

327 (B) state holiday as listed in Section 63G-1-301.

328 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule
 329 that is less than 40 hours per week, the city recorder or town clerk may comply
 330 with Subsection (3)(b)(i) without maintaining office hours by:

331 (A) posting the recorder's or clerk's contact information, including a phone

- 332 number and email address, on the recorder's or clerk's office door, the main
333 door to the municipal offices, and, if available, on the municipal website; and
334 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
335 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 336 (4) An individual elected to municipal office shall be a registered voter in the municipality
337 in which the individual is elected.
- 338 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
339 within the municipality, and within the district that the elected officer represents,
340 during the officer's term of office.
- 341 (b) Except as provided in Subsection (6), an elected municipal office is automatically
342 vacant if the officer elected to the municipal office, during the officer's term of office:
- 343 (i) establishes a principal place of residence outside the district that the elected officer
344 represents;
- 345 (ii) resides at a secondary residence outside the district that the elected officer
346 represents for a continuous period of more than 60 days while still maintaining a
347 principal place of residence within the district;
- 348 (iii) is absent from the district that the elected officer represents for a continuous
349 period of more than 60 days; or
- 350 (iv) fails to respond to a request, within 30 days after the day on which the elected
351 officer receives the request, from the county clerk or the lieutenant governor
352 seeking information to determine the officer's residency.
- 353 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
354 consent of the municipal legislative body in accordance with Subsection (6)(b) before
355 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the
356 officer may:
- 357 (i) reside at a secondary residence outside the district that the elected officer
358 represents while still maintaining a principal place of residence within the district
359 for a continuous period of up to one year during the officer's term of office; or
- 360 (ii) be absent from the district that the elected officer represents for a continuous
361 period of up to one year during the officer's term of office.
- 362 (b) At a public meeting, the municipal legislative body may give the consent described
363 in Subsection (6)(a) by majority vote after taking public comment regarding:
- 364 (i) whether the legislative body should give the consent; and
365 (ii) the length of time to which the legislative body should consent.

- 366 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
 367 treasurer.
- 368 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 369 (c) An individual who holds a county elected office may not, at the same time, hold a
 370 municipal elected office.
- 371 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
 372 individual is elected to the office or appointed to fill a vacancy in the office.

373 Section 3. Section **10-3-301.5** is enacted to read:

374 **10-3-301.5 . Conflict of interest disclosure statement for municipal office --**

375 **Required when filing for candidacy -- Public availability -- Enforcement.**

- 376 (1)(a) A city recorder or town clerk shall, for each person seeking to become a candidate
 377 for a municipal office that is to be filled at the next general election, create, print, and
 378 provide the person with a copy of the conflict of interest disclosure statement
 379 described in Subsection (1)(b).
- 380 (b) A conflict of interest disclosure statement shall:
- 381 (i) be divided into sections representing each item of information described in
 382 Subsections 20A-11-1604(6)(a) through (p); and
- 383 (ii) immediately beneath each section, include a space for the candidate to provide a
 384 written response.
- 385 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection
 386 (1)(a) shall complete the conflict of interest disclosure statement and submit the
 387 statement to the city recorder or town clerk at the time the candidate files a declaration
 388 of candidacy.
- 389 (3) A candidate is not required to comply with Subsection (2) if the candidate:
- 390 (a) currently holds the office for which the candidate seeks reelection;
- 391 (b) already, that same year, filed a conflict of interest disclosure statement for the office
 392 described in Subsection (3)(a), in accordance with Section 10-3-1313; and
- 393 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
 394 the conflict of interest disclosure statement described in Subsection (3)(b) is updated
 395 and accurate as of the date of filing the declaration of candidacy.
- 396 (4) Except as provided in Subsection (3), a city recorder or town clerk:
- 397 (a) may not accept a declaration of candidacy from a candidate for an office described in
 398 Subsection (1)(a) until the city recorder or town clerk receives a complete conflict of
 399 interest disclosure statement from the candidate; and

- 400 (b) shall make a candidate's conflict of interest disclosure statement available for public
401 inspection by posting an electronic copy of the statement:
- 402 (i) on the municipality's website; or
- 403 (ii) if the municipality does not have a website, on the website of the county where
404 the municipality is located.
- 405 (5) A city recorder or town clerk shall ensure that a candidate's conflict of interest
406 disclosure statement remains posted on the website described in Subsection (4)(b) until:
- 407 (a) the candidate resigns or is disqualified as a candidate; or
- 408 (b) the day after the day of the official canvass for the general election.
- 409 (6)(a) A private party in interest may bring a civil action in a court with jurisdiction
410 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
411 this section.
- 412 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
413 to the prevailing party.
- 414 Section 4. Section **17-16-1.5** is enacted to read:
- 415 **17-16-1.5 . Conflict of interest disclosure statement for county and local school**
416 **board office -- Required when filing for candidacy -- Public availability -- Enforcement.**
- 417 (1)(a) A county clerk shall, for each person seeking to become a candidate for a county
418 office or local school board office that is to be filled at the next general election,
419 create, print, and provide the person with a copy of the conflict of interest disclosure
420 statement described in Subsection (1)(b).
- 421 (b) A conflict of interest disclosure statement shall:
- 422 (i) be divided into sections representing each item of information described in
423 Subsections 20A-11-1604(6)(a) through (p); and
- 424 (ii) immediately beneath each section, include a space for the candidate to provide a
425 written response.
- 426 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection
427 (1)(a) shall complete the conflict of interest disclosure statement and submit the
428 statement to the county clerk at the time the candidate files a declaration of candidacy.
- 429 (3) A candidate is not required to comply with Subsection (2) if the candidate:
- 430 (a) currently holds the office for which the candidate seeks reelection;
- 431 (b) already, that same year, filed a conflict of interest disclosure statement for the office
432 described in Subsection (3)(a), in accordance with:
- 433 (i) for a county office, Section 17-16a-13; or

- 434 (ii) for a local school board office, Section 67-16-16; and
 435 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
 436 the conflict of interest disclosure statement described in Subsection (3)(b) is updated
 437 and accurate as of the date of filing the declaration of candidacy.
- 438 (4) Except as provided in Subsection (3), a county clerk:
 439 (a) may not accept a declaration of candidacy from a candidate for an office described in
 440 Subsection (1)(a) until the county clerk receives a complete conflict of interest
 441 disclosure statement from the candidate; and
 442 (b) shall make a candidate's conflict of interest disclosure statement available for public
 443 inspection by posting an electronic copy of the statement on the county's website.
- 444 (5) A county clerk shall ensure that a candidate's conflict of interest disclosure statement
 445 remains posted on the website described in Subsection (4)(b) until:
 446 (a) the candidate resigns or is disqualified as a candidate; or
 447 (b) the day after the day of the official canvass for the general election.
- 448 (6)(a) A private party in interest may bring a civil action in a court with jurisdiction
 449 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
 450 this section.
 451 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
 452 to the prevailing party.

453 Section 5. Section **17-16-6.5** is amended to read:

454 **17-16-6.5 . Campaign financial disclosure in county elections.**

- 455 (1)[(a)] A county shall adopt an ordinance establishing campaign finance disclosure
 456 requirements for:
 457 [(i)] (a) candidates for county office; and
 458 [(ii)] (b) candidates for local school board office who reside in that county.
- 459 [(b)] (2) The ordinance required by Subsection [(1)(a)] (1) shall include:
 460 [(i)] (a) a requirement that each candidate for county office or local school board office
 461 report the candidate's itemized and total campaign contributions and expenditures at
 462 least once within the two weeks before the election and at least once within two
 463 months after the election;
 464 [(ii)] (b) a definition of "contribution" and "expenditure" that requires reporting of
 465 nonmonetary contributions such as in-kind contributions and contributions of
 466 tangible things;
 467 [(iii)] (c) a requirement that the financial reports identify:

502 on which the political party of the prior officeholder submits the candidate's
 503 name to the county legislative body as one of the three individuals the party
 504 nominates to fill the vacancy; or

505 (iv) for a local school board office vacancy, no later than three business days before
 506 the day on which the local school board meets to interview each candidate
 507 interested in filling the vacancy in accordance with Section 20A-1-511; and

508 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),
 509 the county clerk immediately submit a copy of the report to the county legislative
 510 body.

511 ~~[(e)] (3)~~~~(i)~~ (a) As used in this Subsection ~~[(1)(e)] (3)~~, "account" means an account in a
 512 financial institution:

513 ~~[(A)] (i)~~ that is not described in Subsection ~~[(1)(b)(iv)] (2)(d)~~; and

514 ~~[(B)] (ii)~~ into which or from which a person who, as a candidate for an office, other
 515 than a county office for which the person files a declaration of candidacy or
 516 federal office, or as a holder of an office, other than a county office for which the
 517 person files a declaration of candidacy or federal office, deposits a contribution or
 518 makes an expenditure.

519 ~~[(ii)] (b)~~ The ordinance required by Subsection ~~[(1)(a)] (1)~~ shall include a requirement
 520 that a candidate for county office or local school board office include on a financial
 521 report filed in accordance with the ordinance a contribution deposited in or an
 522 expenditure made from an account:

523 ~~[(A)] (i)~~ since the last financial report was filed; or

524 ~~[(B)] (ii)~~ that has not been reported under a statute or ordinance that governs the
 525 account.

526 ~~[(2)] (4)~~ If any county fails to adopt a campaign finance disclosure ordinance described in
 527 Subsection (1), candidates for county office, other than community council office, and
 528 candidates for local school board office shall comply with the financial reporting
 529 requirements contained in Subsections ~~[(3)] (5)~~ through ~~[(8)] (10)~~.

530 ~~[(3)] (5)~~ A candidate for elective office in a county or local school board office:

531 (a) shall deposit a contribution into a separate campaign account in a financial
 532 institution; and

533 (b) may not deposit or mingle any contributions received into a personal or business
 534 account.

535 ~~[(4)] (6)~~ Each candidate for elective office in any county who is not required to submit a

536 campaign financial statement to the lieutenant governor, and each candidate for local
537 school board office, shall file a signed campaign financial statement with the county
538 clerk:

- 539 (a) seven days before the date of the regular general election, reporting each contribution
540 and each expenditure as of 10 days before the date of the regular general election; and
541 (b) no later than 30 days after the date of the regular general election.

542 ~~[(5)]~~ (7)(a) The statement filed seven days before the regular general election shall
543 include:

- 544 (i) a list of each contribution received by the candidate, and the name of the donor, if
545 known; and
546 (ii) a list of each expenditure for political purposes made during the campaign period,
547 and the recipient of each expenditure.

548 (b) The statement filed 30 days after the regular general election shall include:

- 549 (i) a list of each contribution received after the cutoff date for the statement filed
550 seven days before the election, and the name of the donor; and
551 (ii) a list of all expenditures for political purposes made by the candidate after the
552 cutoff date for the statement filed seven days before the election, and the recipient
553 of each expenditure.

554 ~~[(6)]~~ (8)(a) As used in this Subsection ~~[(6)]~~ (8), "account" means an account in a financial
555 institution:

- 556 (i) that is not described in Subsection ~~[(3)(a)]~~ (5)(a); and
557 (ii) into which or from which a person who, as a candidate for an office, other than a
558 county office for which the person filed a declaration of candidacy or federal
559 office, or as a holder of an office, other than a county office for which the person
560 filed a declaration of candidacy or federal office, deposits a contribution or makes
561 an expenditure.

562 (b) A county office candidate and a local school board office candidate shall include on
563 any campaign financial statement filed in accordance with Subsection ~~[(4)]~~ (6) or ~~[(5)]~~
564 (7):

- 565 (i) a contribution deposited into an account:
566 (A) since the last campaign finance statement was filed; or
567 (B) that has not been reported under a statute or ordinance that governs the
568 account; or
569 (ii) an expenditure made from an account:

- 570 (A) since the last campaign finance statement was filed; or
 571 (B) that has not been reported under a statute or ordinance that governs the
 572 account.
- 573 ~~[(7)]~~ (9) Within 30 days after receiving a contribution that is cash or a negotiable
 574 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
 575 candidate shall disburse the amount of the contribution to:
- 576 (a) the treasurer of the state or a political subdivision for deposit into the state's or
 577 political subdivision's general fund; or
 578 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
 579 Internal Revenue Code.
- 580 ~~[(8)]~~ (10) Candidates for elective office in any county, and candidates for local school board
 581 office, who are eliminated at a primary election shall file a signed campaign financial
 582 statement containing the information required by this section not later than 30 days after
 583 the primary election.
- 584 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
 585 local school board office shall:
- 586 (i) comply with Subsections (5) and (9); and
 587 (ii) file a signed campaign financial statement with the county clerk no later than the
 588 deadline described in Subsection (2)(g).
- 589 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),
 590 the county clerk shall immediately submit a copy of the statement to the county
 591 legislative body.
- 592 ~~[(9)]~~ (12) Any person who fails to comply with this section is guilty of an infraction.
- 593 ~~[(10)]~~ (13)(a) Counties may, by ordinance, enact requirements that:
- 594 (i) require greater disclosure of campaign contributions and expenditures; and
 595 (ii) impose additional penalties.
- 596 (b) The requirements described in Subsection ~~[(10)(a)]~~ (13)(a) apply to a local school
 597 board office candidate who resides in that county.
- 598 ~~[(11)]~~ (14) If a candidate fails to file an interim report due before the election, the county
 599 clerk:
- 600 (a) may send an electronic notice to the candidate and the political party of which the
 601 candidate is a member, if any, that states:
- 602 (i) that the candidate failed to timely file the report; and
 603 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for

604 filing the report, the candidate will be disqualified and the political party will not
605 be permitted to replace the candidate; and

606 (b) impose a fine of \$100 on the candidate.

607 ~~[(12)]~~ (15)(a) The county clerk shall disqualify a candidate and inform the appropriate
608 election officials that the candidate is disqualified if the candidate fails to file an
609 interim report described in Subsection ~~[(11)]~~ (14) within 24 hours after the deadline
610 for filing the report.

611 (b) The political party of a candidate who is disqualified under Subsection ~~[(12)(a)]~~
612 (15)(a) may not replace the candidate.

613 (c) A candidate who is disqualified under Subsection ~~[(12)(a)]~~ (15)(a) shall file with the
614 county clerk a complete and accurate campaign finance statement within 30 days
615 after the day on which the candidate is disqualified.

616 ~~[(13)]~~ (16) If a candidate is disqualified under Subsection ~~[(12)(a)]~~ (15)(a), the election
617 official:

618 (a) shall:

619 (i) notify every opposing candidate for the county office that the candidate is
620 disqualified;

621 (ii) send an email notification to each voter who is eligible to vote in the county
622 election office race for whom the election official has an email address informing
623 the voter that the candidate is disqualified and that votes cast for the candidate will
624 not be counted;

625 (iii) post notice of the disqualification on the county's website; and

626 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
627 candidate's name before the ballots are delivered to voters; and

628 (b) may not count any votes for that candidate.

629 ~~[(14)]~~ (17) An election official may fulfill the requirement described in Subsection ~~[(13)(a)]~~
630 (16)(a) in relation to a mailed ballot, including a military or overseas ballot, by including
631 with the ballot a written notice directing the voter to the county's website to inform the
632 voter whether a candidate on the ballot is disqualified.

633 ~~[(15)]~~ (18) A candidate is not disqualified if:

634 (a) the candidate files the interim reports described in Subsection ~~[(11)]~~ (14) no later than
635 24 hours after the applicable deadlines for filing the reports;

636 (b) the reports are completed, detailing accurately and completely the information
637 required by this section except for inadvertent omissions or insignificant errors or

638 inaccuracies; and
 639 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
 640 next scheduled report.

641 ~~[(16)]~~ (19)(a) A report is considered timely filed if:

642 (i) the report is received in the county clerk's office no later than midnight, Mountain
 643 Time, at the end of the day on which the report is due;

644 (ii) the report is received in the county clerk's office with a United States Postal
 645 Service postmark three days or more before the date that the report was due; or

646 (iii) the candidate has proof that the report was mailed, with appropriate postage and
 647 addressing, three days before the report was due.

648 (b) For a county clerk's office that is not open until midnight at the end of the day on
 649 which a report is due, the county clerk shall permit a candidate to file the report via
 650 email or another electronic means designated by the county clerk.

651 ~~[(17)]~~ (20)(a) Any private party in interest may bring an action in a court with
 652 jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the
 653 provisions of this section or any ordinance adopted under this section.

654 (b) In a civil action filed under Subsection ~~[(17)(a)]~~ (20)(a), the court shall award costs
 655 and attorney fees to the prevailing party.

656 ~~[(18)]~~ (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
 657 Access and Management Act, the county clerk shall:

658 (a) make each campaign finance statement filed by a candidate available for public
 659 inspection and copying no later than one business day after the statement is filed; and

660 (b) make the campaign finance statement filed by a candidate available for public
 661 inspection by:

662 (i) posting an electronic copy or the contents of the statement on the county's website
 663 no later than seven business days after the day on which the statement is filed; and

664 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing
 665 the lieutenant governor with a link to the electronic posting described in
 666 Subsection ~~[(18)(b)(i)]~~ (21)(b)(i) no later than two business days after the day the
 667 statement is filed.

668 Section 6. Section **17B-1-306.1** is enacted to read:

669 **17B-1-306.1 . Conflict of interest disclosure statement for special district office --**
 670 **Required when filing for candidacy -- Public availability -- Enforcement.**

671 (1) As used in this section, "filing officer" means the official designated by a special district

- 672 board under Subsection 17B-1-306(5)(a) to receive a declaration of candidacy.
673 (2)(a) A filing officer shall, for each person seeking to become a candidate for an
674 elective special district board that is to be filled at the next general election, create,
675 print, and provide the person with a copy of the conflict of interest disclosure
676 statement described in Subsection (2)(b).
- 677 (b) A conflict of interest disclosure statement shall:
678 (i) be divided into sections representing each item of information described in
679 Subsections 20A-11-1604(6)(a) through (p); and
680 (ii) immediately beneath each section, include a space for the candidate to provide a
681 written response.
- 682 (3) Except as provided in Subsection (4), a candidate for an office described in Subsection
683 (2)(a) shall complete the conflict of interest disclosure statement and submit the
684 statement to the filing officer at the time the candidate files a declaration of candidacy.
- 685 (4) A candidate is not required to comply with Subsection (3) if the candidate:
686 (a) currently holds the office for which the candidate seeks reelection;
687 (b) already, that same year, filed a conflict of interest disclosure statement for the office
688 described in Subsection (4)(a), in accordance with Section 67-16-16; and
689 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
690 the conflict of interest disclosure statement described in Subsection (4)(b) is updated
691 and accurate as of the date of filing the declaration of candidacy.
- 692 (5) Except as provided in Subsection (4), a filing officer:
693 (a) may not accept a declaration of candidacy from a candidate for an office described in
694 Subsection (2)(a) until the filing officer receives a complete conflict of interest
695 disclosure statement from the candidate; and
696 (b) shall make a candidate's conflict of interest disclosure statement available for public
697 inspection by posting an electronic copy of the statement on:
698 (i) the special district's website; or
699 (ii) if the special district does not have a website, the website of each county in which
700 the special district is located.
- 701 (6) A filing officer shall ensure that a candidate's conflict of interest disclosure statement
702 remains posted on the website described in Subsection (5)(b) until:
703 (a) the candidate resigns or is disqualified as a candidate; or
704 (b) the day after the day of the official canvass for the general election.
- 705 (7)(a) A private party in interest may bring a civil action in a court with jurisdiction

706 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
 707 this section.

708 (b) In a civil action under Subsection (7)(a), the court may award costs and attorney fees
 709 to the prevailing party.

710 Section 7. Section **20A-1-503** is amended to read:

711 **20A-1-503 . Midterm vacancies in the Legislature.**

712 (1) As used in this section:

713 (a) "Filing deadline" means the final date for filing:

714 (i) a declaration of candidacy as provided in Section 20A-9-202; and

715 (ii) a certificate of nomination as provided in Section 20A-9-503.

716 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 717 the lieutenant governor on all matters relating to the political party's relationship with
 718 the state as required by Section 20A-8-401.

719 (2) When a vacancy occurs for any reason in the office of representative in the Legislature,
 720 the governor shall fill the vacancy by immediately appointing the person whose name
 721 was submitted by the party liaison of the same political party as the prior representative.

722 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
 723 the office of senator in the Legislature, it shall be filled for the unexpired term at the
 724 next regular general election.

725 (b) The governor shall fill the vacancy until the next regular general election by
 726 immediately appointing the person whose name was submitted by the party liaison of
 727 the same political party as the prior senator.

728 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
 729 before August 31 of an even-numbered year in which the term of office does not
 730 expire, the lieutenant governor shall:

731 (i) establish a date and time, which is before the date for a candidate to be certified
 732 for the ballot under Section 20A-9-701 and no later than 21 days after the day on
 733 which the vacancy occurred, by which a person intending to obtain a position on
 734 the ballot for the vacant office shall file:

735 (A) a declaration of candidacy; or

736 (B) a certificate of nomination; and

737 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

738 (A) on the lieutenant governor's website; and

739 (B) to each registered political party.

- 740 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 741 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
- 742 candidacy or certificate of nomination according to the procedures and
- 743 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
- 744 and
- 745 (ii) run in the regular general election if:
- 746 (A) nominated as a party candidate; or
- 747 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
- 748 Qualifications and Nominating Procedures.
- 749 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
- 750 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
- 751 which the term of office does not expire, a party liaison from each registered political
- 752 party may submit a name of a person described in Subsection (4)(b) to the lieutenant
- 753 governor before 5 p.m. no later than August 30 for placement on the regular general
- 754 election ballot.
- 755 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
- 756 even-numbered year in which a term does not expire, the governor shall fill the vacancy
- 757 for the unexpired term by immediately appointing the person whose name was submitted
- 758 by the party liaison of the same political party as the prior senator.
- 759 (6)(a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill
- 760 a vacancy described in this section shall, no later than the deadline for the individual
- 761 to file an interim report under Subsection 20A-11-303(3)(a), make a complete
- 762 conflict of interest disclosure on the website described in Section 20A-11-1602.5.
- 763 (b) An individual described in Subsection (6)(a) is not required to comply with
- 764 Subsection (6)(a) if the individual:
- 765 (i)(A) currently holds the office of senator and is seeking appointment as a
- 766 representative; or
- 767 (B) currently holds the office of representative and is seeking appointment as a
- 768 senator;
- 769 (ii) already, that same year, filed a conflict of interest disclosure for the office
- 770 described in Subsection (6)(b)(i), in accordance with Section 20A-11-1604; and
- 771 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written
- 772 statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii)
- 773 is updated and accurate as of the date of the written statement.

774 (7) The lieutenant governor shall make each conflict of interest disclosure made by an
 775 individual described in Subsection (6)(a) available for public inspection in accordance
 776 with Subsection 20A-11-1603(4).

777 (8) A vacancy in the office of senator or representative of the Legislature does not occur
 778 unless the senator or representative:

779 (a) has left the office; or

780 (b) submits an irrevocable letter of resignation to:

781 (i) for a senator, the president of the Senate; or

782 (ii) for a representative, the speaker of the House of Representatives.

783 Section 8. Section **20A-1-504** is amended to read:

784 **20A-1-504 . Midterm vacancies in the offices of attorney general, state treasurer,**
 785 **state auditor, State Board of Education member, and lieutenant governor.**

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

789 (b) The governor shall fill the vacancy until the next regular general election by:

790 (i) appointing a person who meets the qualifications for the office from three persons
 791 nominated by the state central committee of the same political party as the prior
 792 officeholder; or

793 (ii) for a State Board of Education vacancy, if the individual who is being replaced:

794 (A) was elected at a nonpartisan State Board of Education election, by appointing,
 795 with the advice and consent of the Senate, an individual who meets the
 796 qualifications and residency requirements for filling the vacancy described in
 797 Section 20A-14-103;

798 (B) was elected at a partisan State Board of Education election, but is not a
 799 member of a political party, by appointing, with the advice and consent of the
 800 Senate, an individual who meets the qualifications and residency requirements
 801 for filling the vacancy described in Section 20A-14-103; or

802 (C) was elected at a partisan State Board of Education election, and is a member
 803 of a political party, by appointing an individual who meets the qualifications
 804 for the office from three persons nominated by the state central committee of
 805 the same political party as the prior officeholder.

806 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
 807 advice and consent of the Senate, appoint a person to hold the office until the next

- 808 regular general election at which the governor stands for election.
- 809 (3)(a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill
810 a vacancy described in this section shall make a complete conflict of interest
811 disclosure on the website described in Section 20A-11-1602.5:
- 812 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer,
813 or state auditor, no later than the deadline for the individual to file an interim
814 report under Subsection 20A-11-204(3)(a); or
- 815 (ii) for a vacancy in the office of State Board of Education member, no later than the
816 deadline for the individual to file an interim report under Subsection
817 20A-11-1303(2)(a).
- 818 (b) An individual described in Subsection (3)(a) is not required to comply with
819 Subsection (3)(a) if the individual:
- 820 (i) currently holds an office described in Subsection (1)(a) or (2);
821 (ii) already, that same year, filed a conflict of interest disclosure for the office
822 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
823 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
824 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
825 is updated and accurate as of the date of the written statement.
- 826 (4) The lieutenant governor shall make each conflict of interest disclosure made by an
827 individual described in Subsection (3)(a) available for public inspection in accordance
828 with Subsection 20A-11-1603(4).
- 829 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the
830 individual occupying the office:
- 831 (a) has left the office; or
832 (b) submits an irrevocable letter of resignation to the governor.
- 833 Section 9. Section **20A-1-508** is amended to read:
- 834 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**
835 **-- Interim replacement.**
- 836 (1) As used in this section:
- 837 (a)(i) "County offices" includes the county executive, members of the county
838 legislative body, the county treasurer, the county sheriff, the county clerk, the
839 county auditor, the county recorder, the county surveyor, and the county assessor.
- 840 (ii) "County offices" does not include the office of county attorney, district attorney,
841 or judge.

- 842 (b) "Party liaison" means the political party officer designated to serve as a liaison with
843 each county legislative body on all matters relating to the political party's relationship
844 with a county as required by Section 20A-8-401.
- 845 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints
846 an interim replacement to fill a vacant county office under Subsection (3), the
847 following shall temporarily discharge the duties of the county office as a temporary
848 manager:
- 849 (i) for a county office with one chief deputy, the chief deputy;
- 850 (ii) for a county office with more than one chief deputy:
- 851 (A) the chief deputy with the most cumulative time served as a chief deputy for
852 the county office; or
- 853 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
854 vacates the office, the county officer files with the county clerk a written
855 statement designating one of the county officer's chief deputies to discharge the
856 duties of the county office in the event the county officer vacates the office, the
857 designated chief deputy; or
- 858 (iii) for a county office without a chief deputy:
- 859 (A) if one management-level employee serving under the county office has a
860 higher-seniority management level than any other employee serving under the
861 county office, that management-level employee;
- 862 (B) if two or more management-level employees serving under the county office
863 have the same and highest-seniority management level, the highest-seniority
864 management-level employee with the most cumulative time served in the
865 employee's current position; or
- 866 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
867 officer vacates the office, the county officer files with the county clerk a
868 written statement designating one of the county officer's employees to
869 discharge the county officer's duties in the event the county officer vacates the
870 office, the designated employee.
- 871 (b) Except as provided in Subsection (2)(c), a temporary manager described in
872 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
873 powers and duties of the county office until the county legislative body appoints an
874 interim replacement under Subsection (3).
- 875 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges

- 876 the duties of a county office:
- 877 (i) may not take an oath of office for the county office as a temporary manager;
- 878 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
- 879 Counties, and the county's budget ordinances and policies;
- 880 (iii) unless approved by the county legislative body, may not change the
- 881 compensation of an employee;
- 882 (iv) unless approved by the county legislative body, may not promote or demote an
- 883 employee or change an employee's job title;
- 884 (v) may terminate an employee only if the termination is conducted in accordance
- 885 with:
- 886 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the
- 887 county legislative body; and
- 888 (B) applicable law;
- 889 (vi) unless approved by the county legislative body, may not exceed by more than 5%
- 890 an expenditure that was planned before the county office for which the temporary
- 891 manager discharges duties was vacated;
- 892 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
- 893 compensation; and
- 894 (viii) if approved by the county legislative body, may receive a performance award
- 895 after:
- 896 (A) the county legislative body appoints an interim replacement under Subsection
- 897 (3); and
- 898 (B) the interim replacement is sworn into office.
- 899 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
- 900 body member.
- 901 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
- 902 county legislative body shall appoint an interim replacement to fill the vacant office
- 903 by following the procedures and requirements of this Subsection (3).
- 904 (b)(i) To appoint an interim replacement, the county legislative body shall, within 10
- 905 days after the day on which the vacancy occurs, give notice of the vacancy to:
- 906 (A) the county clerk; and
- 907 (B) the party liaison of the same political party of the prior office holder[-and] .
- 908 (ii) [invite that party liaison] The county legislative body shall invite the party liaison
- 909 described in Subsection (3)(b)(i)(B) to submit the name of an individual to fill the

- 910 vacancy.
- 911 [~~(ii)~~] (iii) [~~That party liaison~~] The party liaison shall, before 5 p.m. within 30 days after
- 912 the day on which the party liaison receives the notice described in Subsection
- 913 (3)(b)(i)(B), or if the party liaison does not receive the notice, before 5 p.m. within
- 914 40 days after the day on which the vacancy occurs, submit to the county
- 915 legislative body the name of an individual the party selects in accordance with the
- 916 party's constitution or bylaws to serve as the interim replacement.
- 917 [~~(iii)~~] (iv) The county legislative body shall, no later than five days after the day on
- 918 which a party liaison submits the name of the individual to serve as the interim
- 919 replacement, appoint the individual to serve out the unexpired term.
- 920 (c)(i) If the county legislative body fails to appoint an interim replacement to fill the
- 921 vacancy in accordance with Subsection [~~(3)(b)(iii)~~] (3)(b)(iv), the county clerk
- 922 shall, no later than five days after the day of the deadline described in Subsection
- 923 (3)(b)(iii), send to the governor a letter that:
- 924 (A) informs the governor that the county legislative body has failed to appoint a
- 925 replacement within the statutory time period; and
- 926 (B) contains the name of the individual submitted by the party liaison to fill the
- 927 vacancy.
- 928 (ii) The governor shall, within 10 days after the day on which the governor receives
- 929 the letter described in Subsection (3)(c)(i), appoint the individual named by the
- 930 party liaison as an interim replacement to fill the vacancy.
- 931 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
- 932 office until a successor is elected and has qualified.
- 933 (4)(a) The requirements of this Subsection (4) apply to all county offices that become
- 934 vacant if:
- 935 (i) the vacant office has an unexpired term of two years or more; and
- 936 (ii) the vacancy occurs after the election at which the officeholder was elected, but
- 937 before the first day of the declaration of candidacy filing period described in
- 938 Section 20A-9-201.5.
- 939 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
- 940 shall as soon as practicable, but no later than 180 days before the next regular
- 941 general election, notify the public and each registered political party that the
- 942 vacancy exists.
- 943 (ii) An individual intending to become a party candidate for the vacant office shall

- 944 file a declaration of candidacy in accordance with:
- 945 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 946 and
- 947 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
- 948 if applicable.
- 949 (iii) An individual who is nominated as a party candidate, who qualifies as an
- 950 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
- 951 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
- 952 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
- 953 general election.
- 954 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
- 955 vacant if:
- 956 (i) the vacant office has an unexpired term of two years or more; and
- 957 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
- 958 period described in Section 20A-9-201.5, but more than 75 days before the regular
- 959 primary election.
- 960 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
- 961 soon as practicable, but no later than 70 days before the next regular primary
- 962 election, notify the public and each registered political party:
- 963 (i) that the vacancy exists; and
- 964 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
- 965 under Subsection (5)(d)(ii).
- 966 (c)(i) An individual intending to become a party candidate for a vacant office shall,
- 967 within five days after the day on which the notice is given, ending at the close of
- 968 normal office hours on the fifth day, file a declaration of candidacy for the vacant
- 969 office in accordance with:
- 970 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 971 and
- 972 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
- 973 if applicable.
- 974 (ii) The county central committee of each party shall:
- 975 (A) select a candidate or candidates from among those qualified candidates who
- 976 have filed declarations of candidacy; and
- 977 (B) certify the name of the candidate or candidates to the county clerk as soon as

978 practicable, but before 5 p.m. no later than 60 days before the day of the
979 regular primary election.

980 (d)(i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
981 candidate for a vacant office who does not wish to affiliate with a registered
982 political party shall file a verified certificate of nomination described in Section
983 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
984 not Affiliated with a Party.

985 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
986 deadline that is before 5 p.m. no later than 65 days before the day of the next
987 regular general election by which an individual who is not affiliated with a
988 registered political party is required to submit a certificate of nomination under
989 Subsection (5)(d)(i).

990 (B) The county clerk shall establish the deadline described in Subsection
991 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
992 opportunity to access the regular general election ballot.

993 (e) An individual who is nominated as a party candidate for the vacant office, who
994 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
995 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
996 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
997 general election.

998 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
999 vacant:

1000 (i) if the vacant office has an unexpired term of two years or more; and
1001 (ii) when 75 days or less remain before the day of the regular primary election but
1002 more than 65 days remain before the day of the regular general election.

1003 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
1004 soon as practicable, notify the public and each registered political party:

1005 (i) that the vacancy exists; and
1006 (ii) of the deadlines established under Subsection (6)(d).

1007 (c)(i) Before the deadline that the county clerk establishes under Subsection
1008 (6)(d)(i)(A), the county central committee of each registered political party that
1009 wishes to submit a candidate for the office shall certify the name of one candidate
1010 to the county clerk for placement on the regular general election ballot.

1011 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),

1012 a candidate who does not wish to affiliate with a registered political party shall file
1013 a verified certificate of nomination described in Section 20A-9-502 with the
1014 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
1015 a Party.

1016 (iii) Before the deadline that the county clerk establishes under Subsection
1017 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
1018 candidacy described in Section 20A-9-601.

1019 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
1020 that are before 5 p.m. no later than 65 days before the day of the next regular
1021 general election by which:

1022 (A) a registered political party is required to certify a name under Subsection
1023 (6)(c)(i);

1024 (B) an individual who does not wish to affiliate with a registered political party is
1025 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

1026 (C) a write-in candidate is required to submit a declaration of candidacy under
1027 Subsection (6)(c)(iii).

1028 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
1029 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
1030 access the regular general election ballot.

1031 (e) An individual who is certified as a party candidate for the vacant office, who
1032 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1033 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
1034 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1035 general election.

1036 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
1037 vacant:

1038 (i) if the vacant office has an unexpired term of less than two years; or

1039 (ii) if the vacant office has an unexpired term of two years or more but 65 days or
1040 less remain before the day of the next regular general election.

1041 (b)(i) When the conditions described in Subsection (7)(a) are met, the county
1042 legislative body shall as soon as practicable, but no later than 10 days after the day
1043 on which the vacancy occurs, give notice of the vacancy to:

1044 (A) the county clerk; and

1045 (B) the party liaison of the same political party as the prior office holder~~[-and]~~ .

- 1046 (ii) [~~invite that party liaison~~] The county legislative body shall invite the party liaison
 1047 described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the
 1048 vacancy.
- 1049 [(~~iii~~)] (iii) [~~That party liaison~~] The party liaison shall, before 5 p.m. within 30 days after
 1050 the day on which the party liaison receives the notice described in Subsection
 1051 (7)(b)(i)(B), or if the party liaison does not receive the notice, before 5 p.m. no
 1052 later than 40 days after the day on which the vacancy occurs, submit to the county
 1053 legislative body the name of an individual to fill the vacancy.
- 1054 [(~~iii~~)] (iv) The county legislative body shall, no later than five days after the day on
 1055 which a party liaison submits the name of the individual to fill the vacancy,
 1056 appoint the individual to serve out the unexpired term.
- 1057 (c)(i) If the county legislative body fails to appoint an individual to fill the vacancy in
 1058 accordance with Subsection [~~(7)(b)(iii)~~] ((7)(b)(iv)), the county clerk shall send to
 1059 the governor a letter that:
- 1060 (A) informs the governor that the county legislative body has failed to appoint an
 1061 individual to fill the vacancy within the statutory time period; and
- 1062 (B) contains the name of the individual submitted by the party liaison to fill the
 1063 vacancy.
- 1064 (ii) The governor shall, within 10 days after the day on which the governor receives
 1065 the letter described in Subsection (7)(c)(i), appoint the individual named by the
 1066 party liaison to fill the vacancy.
- 1067 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office
 1068 until a successor is elected and has qualified.
- 1069 (8) Except as otherwise provided by law, the county legislative body may appoint
 1070 replacements to fill all vacancies that occur in those offices filled by appointment of the
 1071 county legislative body.
- 1072 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
 1073 political party from filing a certificate of nomination for a vacant office within the same
 1074 time limits as a candidate that is affiliated with a political party.
- 1075 (10)(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
 1076 county office shall serve for the remainder of the unexpired term of the individual
 1077 who created the vacancy and until a successor is elected and qualified.
- 1078 (b) Nothing in this section may be construed to contradict or alter the provisions of
 1079 Section 17-16-6.

- 1080 (11)(a) Except as provided in Subsection (11)(b), for an individual seeking appointment
1081 to fill a vacancy described in Subsection (3) or (7) the individual shall, no later than
1082 the deadline for the individual to file a financial report under Section 17-16-6.5:
- 1083 (i) complete a conflict of interest disclosure statement in accordance with Section
1084 17-16-1.5; and
 - 1085 (ii) submit the conflict of interest disclosure statement to the county legislative body
1086 and the county clerk.
- 1087 (b) An individual described in Subsection (11)(a) is not required to comply with
1088 Subsection (11)(a) if the individual:
- 1089 (i) currently holds an office described in Subsection (1)(a)(i);
 - 1090 (ii) already, that same year, filed a conflict of interest disclosure statement for the
1091 office described in Subsection (11)(b)(i), in accordance with Section 17-16a-13;
1092 and
 - 1093 (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written
1094 notice submitted to the county clerk, that the conflict of interest disclosure
1095 statement described in Subsection (11)(b)(ii) is updated and accurate as of the date
1096 of the written notice.
- 1097 (12)(a) The county clerk shall make each conflict of interest disclosure statement made
1098 by an individual described in Subsection (11)(a) available for public inspection by
1099 posting an electronic copy of the statement on the county's website for at least 10
1100 calendar days after the day on which the county legislative body:
- 1101 (i) appoints an interim replacement under Subsection (3); or
 - 1102 (ii) appoints an individual to fill a vacancy under Subsection (7).
- 1103 (b) The county clerk shall post the electronic statement described in Subsection (12)(a)
1104 no later than two business days after the day on which the county clerk receives the
1105 statement.
- 1106 (13) A vacancy in a county office does not occur unless the individual occupying the office:
- 1107 (a) has left the office; or
 - 1108 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1109 Section 10. Section **20A-1-509.1** is amended to read:
- 1110 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
1111 **or more attorneys.**
- 1112 (1) When a vacancy occurs in the office of county or district attorney in a county or district
1113 having 15 or more attorneys who are licensed active members in good standing with the

- 1114 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
1115 section.
- 1116 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
1117 or district attorney becomes vacant and:
- 1118 (i) the vacant office has an unexpired term of two years or more; and
 - 1119 (ii) the vacancy occurs before the first day of the declaration of candidacy filing
1120 period described in Section 20A-9-201.5.
- 1121 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
1122 notify the public and each registered political party that the vacancy exists.
- 1123 (c) All persons intending to become candidates for the vacant office shall:
- 1124 (i) file a declaration of candidacy according to the procedures and requirements of
1125 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
 - 1126 (ii) if nominated as a party candidate or qualified as an independent or write-in
1127 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
1128 run in the regular general election; and
 - 1129 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1130 (d) If the vacancy occurs during the declaration of candidacy filing period described in
1131 Section 20A-9-201.5:
- 1132 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
1133 extended until 5 p.m. seven days after the last day of the filing period described in
1134 Section 20A-9-201.5; and
 - 1135 (ii) the county clerk shall notify the public and each registered political party that the
1136 vacancy exists.
- 1137 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
1138 or district attorney becomes vacant and:
- 1139 (i) the vacant office has an unexpired term of two years or more; and
 - 1140 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
1141 but more than 75 days before the regular primary election.
- 1142 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1143 (i) notify the public and each registered political party that the vacancy exists; and
 - 1144 (ii) identify the date and time by which a person interested in becoming a candidate
1145 shall file a declaration of candidacy.
- 1146 (c) All persons intending to become candidates for the vacant office shall:
- 1147 (i) before 5 p.m. within five days after the day on which the county clerk gives the

- 1148 notice described in Subsection (3)(b)(i), file a declaration of candidacy for the
1149 vacant office as required by Chapter 9, Part 2, Candidate Qualifications and
1150 Declarations of Candidacy; and
- 1151 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1152 (d) The county central committee of each party shall:
- 1153 (i) select a candidate or candidates from among those qualified candidates who have
1154 filed declarations of candidacy; and
- 1155 (ii) certify the name of the candidate or candidates to the county clerk:
- 1156 (A) before 5 p.m. no later than 60 days before the day of the regular primary
1157 election; or
- 1158 (B) electronically, before midnight no later than 60 days before the day of the
1159 regular primary election.
- 1160 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
1161 or district attorney becomes vacant and:
- 1162 (i) the vacant office has an unexpired term of two years or more; and
- 1163 (ii) 75 days or less remain before the regular primary election but more than 65 days
1164 remain before the regular general election.
- 1165 (b) When the conditions established in Subsection (4)(a) are met, the county central
1166 committees of each registered political party that [~~wish~~] wishes to submit a candidate
1167 for the office shall, not later than five days after the day on which the vacancy occurs,
1168 certify the name of one candidate to the county clerk for placement on the regular
1169 general election ballot.
- 1170 (c) The candidate elected shall complete the unexpired term of the person who created
1171 the vacancy.
- 1172 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
1173 or district attorney becomes vacant and:
- 1174 (i) the vacant office has an unexpired term of less than two years; or
- 1175 (ii) the vacant office has an unexpired term of two years or more but 65 days or less
1176 remain before the next regular general election.
- 1177 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
1178 body shall give notice of the vacancy to:
- 1179 (i) the county clerk; and
- 1180 (ii) the county central committee of the same political party of the prior officeholder[
1181 and] .

- 1182 (c) ~~[invite that committee]~~ The county legislative body shall invite the committee
 1183 described in Subsection (5)(b)(ii) to submit the names of three nominees to fill the
 1184 vacancy.
- 1185 ~~[(e)]~~ (d) ~~[That]~~ The county central committee shall, within 30 days after the day on which
 1186 the county legislative body gives the notice described in Subsection (5)(b)(ii), submit
 1187 to the county legislative body the names of three nominees to fill the vacancy.
- 1188 ~~[(d)]~~ (e) The county legislative body shall, within 45 days after the vacancy occurs,
 1189 appoint one of those nominees to serve out the unexpired term.
- 1190 ~~[(e)]~~ (f) If the county legislative body fails to appoint a person to fill the vacancy within
 1191 45 days, the county clerk shall send to the governor a letter that:
- 1192 (i) informs the governor that the county legislative body has failed to appoint a
 1193 person to fill the vacancy within the statutory time period; and
- 1194 (ii) contains the list of nominees submitted by the party central committee.
- 1195 ~~[(f)]~~ (g) The governor shall appoint a person to fill the vacancy from that list of nominees
 1196 within 30 days after receipt of the letter.
- 1197 ~~[(g)]~~ (h) A person appointed to fill the vacancy under this Subsection (5) shall complete
 1198 the unexpired term of the person who created the vacancy.
- 1199 (6) A person seeking appointment to fill a vacancy described in Subsection (5)(a) shall, no
 1200 later than the deadline for the person to file a financial report under Section 17-16-6.5:
- 1201 (a) complete a conflict of interest disclosure statement in accordance with Section
 1202 17-16-1.5; and
- 1203 (b) submit the conflict of interest disclosure statement to the county legislative body and
 1204 the county clerk.
- 1205 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
 1206 a person described in Subsection (6) available for public inspection by posting an
 1207 electronic copy of the statement on the county's website for at least 10 calendar days
 1208 after the day on which the county legislative body appoints a person to fill the
 1209 vacancy.
- 1210 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no
 1211 later than two business days after the day on which the county clerk receives the
 1212 statement.
- 1213 (8) A vacancy in the office described in Subsection (1) does not occur unless the person
 1214 occupying the office:
- 1215 (a) has left the office; or

1216 (b) submits an irrevocable letter of resignation to the county legislative body.
1217 [(6)] (9) Nothing in this section prevents or prohibits independent candidates from filing a
1218 declaration of candidacy for the office within the required time limits.

1219 Section 11. Section **20A-1-509.2** is amended to read:

1220 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
1221 **15 attorneys.**

1222 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
1223 created by the failure of a person to file as a candidate for the office of county or district
1224 attorney in an election, in a county or district having fewer than 15 attorneys who are
1225 licensed, active members in good standing with the Utah State Bar and registered voters,
1226 the vacancy shall be filled as provided in this section.

1227 (2) The county clerk shall send a letter to each attorney residing in the county or district
1228 who is a licensed, active member in good standing with the Utah State Bar and a
1229 registered voter that:

1230 (a) informs the attorney of the vacancy;

1231 (b) invites the attorney to apply for the vacancy; and

1232 (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10
1233 calendar days after the day on which the county clerk sends the letter, the attorney's
1234 candidacy to fill the vacancy will not be considered.

1235 (3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three
1236 attorneys who are licensed, active members in good standing with the Utah State
1237 Bar and registered voters in the county or district have applied for the vacancy, the
1238 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
1239 applications to the county central committee of the same political party of the
1240 prior officeholder.

1241 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
1242 county central committee of each county within the prosecution district.

1243 (b) The central committee shall nominate three of the applicants and forward the
1244 applicants' names to the county legislative body before 5 p.m. within 20 days after
1245 the day on which the county clerk submits the applicants' names under Subsection
1246 (3)(a).

1247 (c) The county legislative body shall appoint one of the nominees to fill the vacant
1248 position.

1249 (d) If the central committee of the political party fails to submit at least three names to

- 1250 the county legislative body before the deadline described in Subsection (3)(b), the
1251 county legislative body shall appoint one of the applicants to fill the vacant position.
- 1252 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
1253 days after the day on which the vacancy occurs, the county clerk shall mail to the
1254 governor:
- 1255 (i) a letter informing the governor that the county legislative body has failed to
1256 appoint a person to fill the vacancy; and
- 1257 (ii)(A) the list of nominees, if any, submitted by the central committee of the
1258 political party; or
- 1259 (B) if the party central committee has not submitted a list of at least three
1260 nominees within the required time, the names of the persons who submitted
1261 applications for the vacant position to the county clerk.
- 1262 (f) The governor shall appoint, within 30 days after the day on which the governor
1263 receives the letter, a person from the list to fill the vacancy.
- 1264 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
1265 are licensed, active members in good standing with the Utah State Bar and registered
1266 voters in the county or district have applied for the vacancy, the county legislative
1267 body may:
- 1268 (i) appoint one of them to be county or district attorney; or
- 1269 (ii) solicit additional applicants and appoint a county or district attorney as provided
1270 in Subsection (4)(b).
- 1271 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
1272 Utah State Bar and registered voters in the county or district submit applications,
1273 the county legislative body may publicly solicit and accept additional applications
1274 for the position from licensed, active members in good standing of the Utah State
1275 Bar who are not residents of the county or prosecution district.
- 1276 (ii) The county legislative body shall consider the applications submitted by the
1277 attorneys who are residents of and registered voters in the county or prosecution
1278 district and the applications submitted by the attorneys who are not residents of
1279 the county or prosecution district and shall appoint one of the applicants to be
1280 county attorney or district attorney.
- 1281 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days
1282 after the day on which the vacancy occurs, the county clerk shall:
- 1283 (i) notify the governor that the legislative body has failed to fill the vacancy within

- 1284 the required time period; and
- 1285 (ii) provide the governor with a list of all the applicants.
- 1286 (d) The governor shall appoint a person to fill the vacancy within 30 days after the day
- 1287 on which the governor receives the notification.
- 1288 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person
- 1289 who created the vacancy.
- 1290 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the
- 1291 deadline for the person to file a financial report under Section 17-16-6.5:
- 1292 (a) complete a conflict of interest disclosure statement in accordance with Section
- 1293 17-16-1.5; and
- 1294 (b) submit the conflict of interest disclosure statement to the county legislative body and
- 1295 the county clerk.
- 1296 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
- 1297 a person described in Subsection (6) available for public inspection by posting an
- 1298 electronic copy of the statement on the county's website for at least 10 calendar days
- 1299 after the day on which the county legislative body appoints a person to fill the
- 1300 vacancy.
- 1301 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no
- 1302 later than two business days after the day on which the county clerk receives the
- 1303 statement.
- 1304 (8) A vacancy in the office described in Subsection (1) does not occur until the person
- 1305 occupying the office:
- 1306 (a) has left the office; or
- 1307 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1308 Section 12. Section **20A-1-510** is amended to read:
- 1309 **20A-1-510 . Midterm vacancies in municipal offices.**
- 1310 (1)(a) As used in this section:
- 1311 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
- 1312 in Section 20A-1-102.
- 1313 (ii) "Vacancy," if due to resignation, occurs~~[-on the effective date of the resignation.]:~~ :
- 1314 (A) for a municipal executive, on the effective date of an irrevocable letter of
- 1315 resignation submitted by the municipal executive to the municipal legislative
- 1316 body; or
- 1317 (B) for a member of a municipal legislative body, on the effective date of an

1318 irrevocable letter of resignation submitted by the member to the municipal
 1319 legislative body.

1320 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
 1321 municipal executive or member of a municipal legislative body, the municipal
 1322 legislative body shall, within 30 calendar days after the day on which the vacancy
 1323 occurs, appoint a registered voter in the municipality who meets the qualifications for
 1324 office described in Section 10-3-301 to fill the unexpired term of the vacated office.

1325 (c) Before acting to fill the vacancy, the municipal legislative body shall:

1326 (i) immediately notify the municipal recorder or clerk;

1327 (ii) give public notice of the vacancy at least 14 calendar days before the day on
 1328 which the municipal legislative body meets to fill the vacancy;

1329 [(ii)] (iii) identify, in the notice:

1330 (A) the date, time, and place of the meeting where the vacancy will be filled;

1331 (B) the person to whom an individual interested in being appointed to fill the
 1332 vacancy may submit the interested individual's name for consideration; and

1333 (C) the deadline for submitting an interested individual's name; and

1334 [(iii)] (iv) in an open meeting, interview each individual whose name is submitted for
 1335 consideration, and who meets the qualifications for office, regarding the
 1336 individual's qualifications.

1337 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
 1338 among the names of the candidates interviewed under Subsection [(1)(e)(iii)]
 1339 (1)(c)(iv).

1340 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
 1341 in the initial vote described in Subsection (1)(d)(i), the two candidates that
 1342 received the most votes in the initial vote, as determined by the tie-breaking
 1343 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
 1344 shall be placed before the municipal legislative body for a second vote to fill
 1345 the vacancy.

1346 (B) If the initial vote results in a tie for second place, the candidates tied for
 1347 second place shall be reduced to one by a coin toss conducted in accordance
 1348 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
 1349 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
 1350 initial vote and the candidate that wins the coin toss described in this
 1351 Subsection (1)(d)(ii)(B).

- 1352 (C) If the initial vote results in a tie among three or more candidates for first place,
1353 the candidates tied for first place shall be reduced to two by a coin toss
1354 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
1355 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
1356 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1357 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
1358 municipal clerk or recorder in the presence of the municipal legislative body.
- 1359 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
1360 receives a majority vote of the municipal legislative body, the vacancy shall be
1361 determined by a coin toss between the two candidates in accordance with
1362 Subsection (1)(d)(ii)(D).
- 1363 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
1364 through (d), the municipal clerk or recorder shall immediately notify the lieutenant
1365 governor.
- 1366 (f) After receiving notice that a municipal legislative body has failed to timely comply
1367 with Subsections (1)(b) through (d), the lieutenant governor shall:
1368 (i) notify the municipal legislative body of the violation; and
1369 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
1370 which the lieutenant governor provides the notice described in this Subsection
1371 (1)(f), appoint an eligible individual to fill the vacancy in accordance with
1372 Subsections (1)(c) and (d).
- 1373 (g) If the municipality fails to timely comply with a directive described in Subsection
1374 (1)(f):
1375 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
1376 the vacancy; and
1377 (ii) the governor shall, within 45 days after the day on which the governor receives
1378 the notice described in Subsection (1)(g)(i), provide public notice soliciting
1379 candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an
1380 individual to fill the vacancy.
- 1381 (2)(a) A vacancy in the office of municipal executive or member of a municipal
1382 legislative body shall be filled by an interim appointment, followed by an election to
1383 fill a two-year term, if:
1384 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
1385 executive at least 14 days before the deadline for filing for election in an

- 1386 odd-numbered year; and
- 1387 (ii) two years of the vacated term will remain after the first Monday of January
- 1388 following the next municipal election.
- 1389 (b) In appointing an interim replacement, the municipal legislative body shall:
- 1390 (i) comply with the notice requirements of this section; and
- 1391 (ii) in an open meeting, interview each individual whose name is submitted for
- 1392 consideration, and who meets the qualifications for office, regarding the
- 1393 individual's qualifications.
- 1394 (3)(a) In a municipality operating under the council-mayor form of government, as
- 1395 defined in Section 10-3b-102:
- 1396 (i) the council may appoint an individual to fill a vacancy in the office of mayor
- 1397 before the effective date of the mayor's resignation by making the effective date of
- 1398 the appointment the same as the effective date of the mayor's resignation; and
- 1399 (ii) if a vacancy in the office of mayor occurs before the effective date of an
- 1400 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
- 1401 members, by majority vote, shall appoint a council member to serve as acting
- 1402 mayor during the time between the creation of the vacancy and the effective date
- 1403 of the appointment to fill the vacancy.
- 1404 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:
- 1405 (i) act as a council member; and
- 1406 (ii) vote at council meetings.
- 1407 (4)(a)(i) For a vacancy of a member of a municipal legislative body as described in
- 1408 this section, the municipal legislative body member whose resignation creates the
- 1409 vacancy on the municipal legislative body may:
- 1410 (A) interview an individual whose name is submitted for consideration under
- 1411 Subsection [~~(1)(e)(iii)~~] (1)(c)(iv) or (2)(b)(ii); and
- 1412 (B) vote on the appointment of an individual to fill the vacancy.
- 1413 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
- 1414 removed from office in accordance with state law may not cast a vote under
- 1415 Subsection (4)(a)(i).
- 1416 (b) A member of a municipal legislative body who submits his or her resignation to the
- 1417 municipal legislative body may not rescind the resignation.
- 1418 (c) A member of a municipal legislative body may not vote on an appointment under
- 1419 this section for himself or herself to fill a vacancy in the municipal legislative body.

- 1420 (5) In a municipality operating under the council-mayor form of government, the mayor
1421 may not:
- 1422 (a) participate in the vote to fill a vacancy;
- 1423 (b) veto a decision of the council to fill a vacancy; or
- 1424 (c) vote in the case of a tie.
- 1425 (6) A mayor whose resignation from the municipal legislative body is due to election or
1426 appointment as mayor may, in the case of a tie, participate in the vote under this section.
- 1427 (7) A municipal legislative body may, consistent with the provisions of state law, adopt
1428 procedures governing the appointment, interview, and voting process for filling
1429 vacancies in municipal offices.
- 1430 (8)(a) Except as provided in Subsection (8)(b), an individual seeking appointment to fill
1431 a vacancy under this section shall, no later than the deadline for the individual to file
1432 a campaign finance statement under Section 10-3-208:
- 1433 (i) complete a conflict of interest disclosure statement in accordance with Section
1434 10-3-301.5; and
- 1435 (ii) submit the conflict of interest disclosure statement to the municipal legislative
1436 body and the municipal clerk or recorder.
- 1437 (b) An individual described in Subsection (8)(a) is not required to comply with
1438 Subsection (8)(a) if the individual:
- 1439 (i) currently holds an office described in Subsection (1)(b);
- 1440 (ii) already, that same year, filed a conflict of interest disclosure statement for the
1441 office described in Subsection (8)(b)(i), in accordance with Section 10-3-1313; and
- 1442 (iii) no later than the deadline described in Subsection (8)(a), indicates, in a written
1443 notice submitted to the municipal clerk or recorder, that the conflict of interest
1444 disclosure statement described in Subsection (8)(b)(ii) is updated and accurate as
1445 of the date of the written notice.
- 1446 (9)(a) The municipal clerk or recorder shall make each conflict of interest disclosure
1447 statement made by an individual described in Subsection (8)(a) available for public
1448 inspection by posting an electronic copy of the statement on:
- 1449 (i) the municipality's website; or
- 1450 (ii) if the municipality does not have a website, on the website of the county in which
1451 the municipality is located.
- 1452 (b) The municipal clerk or recorder shall:
- 1453 (i) post the electronic statement described in Subsection (9)(a) no later than two

1454 business days after the day on which the municipal recorder or clerk receives the
 1455 statement; and

1456 (ii) ensure that the electronic statement remains posted on the website described in
 1457 Subsection (9)(a) for at least 10 calendar days after the day on which the
 1458 municipal legislative body appoints an individual to fill the vacancy.

1459 Section 13. Section **20A-1-511** is amended to read:

1460 **20A-1-511 . Midterm vacancy on a local school board.**

1461 (1)(a) A local school board shall fill a vacancy on the local school board by
 1462 appointment, except as otherwise provided in Subsections (1)(b) and (2).

1463 (b) The county legislative body, or municipal legislative body in a city district, shall fill
 1464 a vacancy on a local school board by appointment if the local school board fails to
 1465 make an appointment to fill the vacancy:

1466 (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs
 1467 on the local school board; or

1468 (ii) within 45 days after a vacancy occurs on the local school board due to the death
 1469 of a local school board member.

1470 (c) A member appointed and qualified under this Subsection (1) shall serve until a
 1471 successor is elected or appointed and qualified.

1472 (2)(a) A vacancy on the board shall be filled by an interim appointment, followed by an
 1473 election to fill a two-year term if:

1474 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
 1475 at least 14 days before the deadline for filing a declaration of candidacy; and

1476 (ii) two years of the vacated term will remain after the first Monday of January
 1477 following the next school board election.

1478 (b) A member elected under this Subsection (2) shall serve for the remaining two years
 1479 of the vacated term and until a successor is elected and qualified.

1480 (3) Before appointing an individual to fill a vacancy under this section, the local school
 1481 board shall:

1482 (a) immediately notify the county clerk;

1483 [~~(a)~~] (b) give public notice of the vacancy at least two weeks before the local school
 1484 board meets to fill the vacancy;

1485 [~~(b)~~] (c) identify, in the public notice:

1486 (i) the date, time, and place of the meeting where the vacancy will be filled; and

1487 (ii) the person to whom and the date and time before which an individual interested in

1488 being appointed to fill the vacancy may submit the individual's name for
1489 consideration; and
1490 ~~[(e)]~~ (d) in an open meeting, interview each individual whose name is submitted for
1491 consideration and who meets the qualifications for office, regarding the individual's
1492 qualifications.

1493 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
1494 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member
1495 of the local school board submits a letter of resignation.

1496 (b) An individual appointed under Subsection (4)(a) may not take office until on or after
1497 the day on which the vacancy occurs for which the individual is appointed.

1498 (c) A member of a local school board who submits a letter of resignation under
1499 Subsection (4)(a) may not rescind the resignation after the local school board makes
1500 an appointment to fill the vacancy created by the resignation.

1501 (5) An individual seeking appointment to fill a vacancy on a local school board shall, no
1502 later than the deadline for the individual to file a financial report under Section 17-16-6.5:

1503 (a) complete a conflict of interest disclosure statement in accordance with Section
1504 17-16-1.5; and

1505 (b) submit the conflict of interest disclosure statement to the county legislative body and
1506 the county clerk.

1507 (6)(a) The county clerk shall make each conflict of interest disclosure statement made by
1508 an individual described in Subsection (5) available for public inspection by posting
1509 an electronic copy of the statement on the county's website for at least 10 calendar
1510 days after the day on which the county legislative body appoints an individual to fill
1511 the vacancy.

1512 (b) The county clerk shall post the electronic statement described in Subsection (6)(a) no
1513 later than two business days after the day on which the county clerk receives the
1514 statement.

1515 Section 14. Section **20A-8-101** is amended to read:

1516 **20A-8-101 . Definitions.**

1517 As used in this chapter:

1518 (1) "Continuing political party" means an organization of voters that:

1519 (a) participated in the last regular general election; and

1520 (b) in at least one of the last two regular general elections, polled a total vote for any of
1521 its candidates for any office equal to 2% or more of the total votes cast for all

1522 candidates for the United States House of Representatives in the same regular general
1523 election.

1524 (2) "County political party" means, for each registered political party, all of the persons
1525 within a single county who, under definitions established by the county political party,
1526 are members of the registered political party.

1527 (3) "Legislative office" means the office of state senator or state representative.

1528 [~~(3)~~] (4) "Newly registered political party" means a statewide organization of voters that has
1529 complied with the petition and organizing procedures of this chapter to become a
1530 registered political party.

1531 [~~(4)~~] (5) "Public institution of higher education" means the same as that term is defined in
1532 Section 53B-16-301.

1533 [~~(5)~~] (6) "Registered political party" means an organization of voters that:

1534 (a)(i) participated in the last regular general election; and

1535 (ii) in at least one of the last two regular general elections, polled a total vote for any
1536 of its candidates for any office equal to 2% or more of the total votes cast for all
1537 candidates for the United States House of Representatives in the same regular
1538 general election; or

1539 (b) has complied with the petition and organizing procedures of this chapter.

1540 (7) "State office" means the office of governor, lieutenant governor, attorney general, state
1541 auditor, state treasurer, or state school board member.

1542 [~~(6)~~] (8) "State political party" means, for each registered political party, all of the persons in
1543 Utah who, under definitions established by the state political party, are members of the
1544 registered political party.

1545 Section 15. Section **20A-8-402.6** is enacted to read:

1546 **20A-8-402.6 . Notification of meeting to declare midterm vacancy nominee by**
1547 **appointment.**

1548 (1) When there is a midterm vacancy in an office for which a registered political party is
1549 entitled to declare a nominee to fill the vacancy by appointment, the registered political
1550 party shall, no later than five business days before the day on which the registered
1551 political party meets to declare a nominee:

1552 (a) notify the lieutenant governor of the date, time, and location of the meeting, if the
1553 vacated office is a state office or legislative office; or

1554 (b) notify the county clerk, if the vacated office is a county office.

1555 (2) If, after providing the notice described in Subsection (1), a registered political party

1556 changes the date, time, or location of the meeting, the registered political party shall
1557 notify the election officer of the change before 5 p.m. no later than one business day
1558 after the day on which the registered political party makes the change described in this
1559 Subsection (2).

1560 Section 16. Section **20A-11-103** is amended to read:

1561 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
1562 **submission -- Public availability -- Notice of reporting and filing requirements.**

1563 (1)(a) Except as provided under Subsection (1)(b), 10 days before an interim report or
1564 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention
1565 Elections, the chief election officer shall inform the filing entity by electronic mail
1566 unless postal mail is requested:

1567 (i) that the financial statement is due;

1568 (ii) of the date that the financial statement is due; and

1569 (iii) of the penalty for failing to file the financial statement.

1570 (b) The chief election officer is not required to provide notice:

1571 (i) to a candidate or political party of the financial statement that is due before the
1572 candidate's or political party's political convention;

1573 (ii) of a financial statement due in connection with a public hearing for an initiative
1574 under the requirements of Section 20A-7-204.1; or

1575 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

1576 (2) A filing entity shall electronically file a financial statement via electronic mail or the
1577 Internet according to specifications established by the chief election officer.

1578 (3)(a) A financial statement is considered timely filed if the financial statement is
1579 received by the chief election officer's office before midnight, Mountain Time, at the
1580 end of the day on which the financial statement is due.

1581 (b) For a county clerk's office that is not open until midnight at the end of the day on
1582 which a financial statement is due, the county clerk shall permit a candidate to file
1583 the financial statement via email or another electronic means designated by the
1584 county clerk.

1585 (c) A chief election officer may extend the time in which a filing entity is required to file
1586 a financial statement if a filing entity notifies the chief election officer of the
1587 existence of an extenuating circumstance that is outside the control of the filing entity.

1588 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
1589 and Management Act, the lieutenant governor shall:

- 1590 (a) make each campaign finance statement filed by a candidate available for public
 1591 inspection and copying no later than one business day after the statement is filed; and
 1592 (b) post on a website established by the lieutenant governor:
 1593 (i) an electronic copy or the contents of each summary report or interim report filed
 1594 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
 1595 Elections, no later than three business days after the date on which the summary
 1596 report or interim report is electronically filed; or
 1597 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
 1598 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or
 1599 county website that hosts the campaign finance statement, no later than seven
 1600 business days after the date on which the lieutenant governor receives the link
 1601 from:
 1602 (A) the municipal clerk or recorder, in accordance with Subsection [~~10-3-208~~
 1603 ~~(10)(b)(ii)] 10-3-208(11)(b)(ii); or
 1604 (B) the county clerk, in accordance with Subsection [~~17-16-6.5(18)(b)(ii)]
 1605 17-16-6.5(21)(b)(ii).
 1606 (5) Between January 1 and January 15 of each year, the chief election officer shall provide
 1607 notice, by postal mail or email, to each filing entity for which the chief election officer
 1608 has a physical or email address, of the reporting and filing requirements described in this
 1609 chapter.~~~~

1610 Section 17. Section **20A-11-204** is amended to read:

1611 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
 1612 **requirements -- Interim reports.**

- 1613 (1) As used in this section:
 1614 (a) "Campaign account" means a separate campaign account required under Subsection
 1615 20A-11-201(1)(a) or (c).
 1616 (b) "Received" means:
 1617 (i) for a cash contribution, that the cash is given to a state office candidate or a
 1618 member of the state office candidate's personal campaign committee;
 1619 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1620 instrument or check is negotiated;
 1621 (iii) for a direct deposit made into a campaign account by a person not associated
 1622 with the campaign, the earlier of:
 1623 (A) the day on which the state office candidate or a member of the state office

1624 candidate's personal campaign committee becomes aware of the deposit and
 1625 the source of the deposit;

1626 (B) the day on which the state office candidate or a member of the state office
 1627 candidate's personal campaign committee receives notice of the deposit and the
 1628 source of the deposit by mail, email, text, or similar means; or

1629 (C) 31 days after the day on which the direct deposit occurs; or

1630 (iv) for any other type of contribution, that any portion of the contribution's benefit
 1631 inures to the state office candidate.

1632 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
 1633 report at the following times in any year in which the candidate has filed a declaration of
 1634 candidacy for a public office:

1635 (a)(i) seven days before the candidate's political convention; or

1636 (ii) for an unaffiliated candidate, the fourth Saturday in March;

1637 (b) seven days before the regular primary election date;

1638 (c) September 30; and

1639 (d) seven days before the regular general election date.

1640 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
 1641 vacancy, the state office candidate:

1642 (a) shall file an interim report:

1643 (i) no later than three business days before the day on which the political party of the
 1644 party for which the state office candidate seeks nomination meets to declare a
 1645 nominee for the governor to appoint in accordance with Subsection 20A-1-504
 1646 (1)(a); or

1647 [~~(i)(A) no later than seven days before the day on which the political party of the~~
 1648 ~~party for which the state office candidate seeks nomination meets to declare a~~
 1649 ~~nominee for the governor to appoint in accordance with Section 20A-1-504;~~
 1650 ~~and]~~

1651 [~~(B) two days before the day on which the political party of the party for which~~
 1652 ~~the state office candidate seeks nomination meets to declare a nominee for the~~
 1653 ~~governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or]~~

1654 [(ii) if a state office candidate decides to seek the appointment with less than seven
 1655 days before the party meets, or the political party schedules the meeting to declare
 1656 a nominee less than seven days before the day of the meeting, no later than 5 p.m.
 1657 on the last day of business before the day on which the party meets; and]

- 1658 (ii) if a state office candidate decides to seek the appointment with less than three
1659 business days before the day on which the political party meets, or the political
1660 party schedules the meeting to declare a nominee less than three business days
1661 before the day of the meeting, no later than 5 p.m. on the last day of business
1662 before the day on which the political party meets; and
- 1663 (b) is not required to file an interim report at the times described in Subsection [~~(1)~~] (2).
- 1664 (4) Each interim report shall include the following information:
- 1665 (a) the net balance of the last summary report, if any;
- 1666 (b) a single figure equal to the total amount of receipts reported on all prior interim
1667 reports, if any, during the calendar year in which the interim report is due;
- 1668 (c) a single figure equal to the total amount of expenditures reported on all prior interim
1669 reports, if any, filed during the calendar year in which the interim report is due;
- 1670 (d) a detailed listing of:
- 1671 (i) for a state office candidate, each contribution received since the last summary
1672 report that has not been reported in detail on a prior interim report; or
- 1673 (ii) for a state officeholder, each contribution and public service assistance received
1674 since the last summary report that has not been reported in detail on a prior
1675 interim report;
- 1676 (e) for each nonmonetary contribution:
- 1677 (i) the fair market value of the contribution with that information provided by the
1678 contributor; and
- 1679 (ii) a specific description of the contribution;
- 1680 (f) a detailed listing of each expenditure made since the last summary report that has not
1681 been reported in detail on a prior interim report;
- 1682 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1683 (h) a net balance for the year consisting of the net balance from the last summary report,
1684 if any, plus all receipts since the last summary report minus all expenditures since the
1685 last summary report;
- 1686 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1687 (i) beginning balance;
- 1688 (ii) total contributions and public service assistance received during the period since
1689 the last statement;
- 1690 (iii) total contributions and public service assistance received to date;
- 1691 (iv) total expenditures during the period since the last statement; and

- 1692 (v) total expenditures to date; and
1693 (j) the name of a political action committee for which the state office candidate or state
1694 officeholder is designated as an officer who has primary decision-making authority
1695 under Section 20A-11-601.

1696 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
1697 of five days before the required filing date of the report.

- 1698 (b) Any negotiable instrument or check received by a state office candidate or state
1699 officeholder more than five days before the required filing date of a report required
1700 by this section shall be included in the interim report.

1701 Section 18. Section **20A-11-303** is amended to read:

1702 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
1703 **reporting requirements -- Interim reports.**

1704 (1) As used in this section:

1705 (a) "Campaign account" means a separate campaign account required under Subsection
1706 20A-11-301(1)(a)(i) or (c)(i).

1707 (b) "Received" means:

1708 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
1709 member of the legislative office candidate's personal campaign committee;

1710 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1711 instrument or check is negotiated;

1712 (iii) for a direct deposit made into a campaign account by a person not associated
1713 with the campaign, the earlier of:

1714 (A) the day on which the legislative office candidate or a member of the
1715 legislative office candidate's personal campaign committee becomes aware of
1716 the deposit and the source of the deposit;

1717 (B) the day on which the legislative office candidate or a member of the
1718 legislative office candidate's personal campaign committee receives notice of
1719 the deposit and the source of the deposit by mail, email, text, or similar means;
1720 or

1721 (C) 31 days after the day on which the direct deposit occurs; or

1722 (iv) for any other type of contribution, that any portion of the contribution's benefit
1723 inures to the legislative office candidate.

1724 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
1725 interim report at the following times in any year in which the candidate has filed a

- 1726 declaration of candidacy for a public office:
- 1727 (a)(i) seven days before the candidate's political convention; or
- 1728 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 1729 (b) seven days before the regular primary election date;
- 1730 (c) September 30; and
- 1731 (d) seven days before the regular general election date.
- 1732 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
- 1733 a midterm vacancy, the legislative office candidate:
- 1734 (a) shall file an interim report:
- 1735 (i) no later than three business days before the day on which the political party of the
- 1736 party for which the legislative office candidate seeks nomination meets to declare
- 1737 a nominee for the governor to appoint in accordance with Section 20A-1-503; or
- 1738 ~~[(i)(A) seven days before the day on which the political party of the party for~~
- 1739 ~~which the legislative office candidate seeks nomination meets to declare a~~
- 1740 ~~nominee for the governor to appoint in accordance with Section 20A-1-503;~~
- 1741 ~~and]~~
- 1742 ~~[(B) two days before the day on which the political party of the party for which~~
- 1743 ~~the legislative office candidate seeks nomination meets to declare a nominee~~
- 1744 ~~for the governor to appoint in accordance with Section 20A-1-503; or]~~
- 1745 ~~[(ii) if the legislative office candidate decides to seek the appointment with less than~~
- 1746 ~~seven days before the party meets, or the political party schedules the meeting to~~
- 1747 ~~declare a nominee less than seven days before the day of the meeting, two days~~
- 1748 ~~before the day on which the party meets; and]~~
- 1749 (ii) if the legislative office candidate decides to seek the appointment with less than
- 1750 three business days before the day on which the political party meets, or the
- 1751 political party schedules the meeting to declare a nominee less than three business
- 1752 days before the day of the meeting, no later than 5 p.m. on the last day of business
- 1753 before the day on which the political party meets; and
- 1754 (b) is not required to file an interim report at the times described in Subsection ~~[(2)(a)]~~ (2).
- 1755 (4) Each interim report shall include the following information:
- 1756 (a) the net balance of the last summary report, if any;
- 1757 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1758 reports, if any, during the calendar year in which the interim report is due;
- 1759 (c) a single figure equal to the total amount of expenditures reported on all prior interim

- 1760 reports, if any, filed during the calendar year in which the interim report is due;
- 1761 (d) a detailed listing of:
- 1762 (i) for a legislative office candidate, each contribution received since the last
- 1763 summary report that has not been reported in detail on a prior interim report; or
- 1764 (ii) for a legislative officeholder, each contribution and public service assistance
- 1765 received since the last summary report that has not been reported in detail on a
- 1766 prior interim report;
- 1767 (e) for each nonmonetary contribution:
- 1768 (i) the fair market value of the contribution with that information provided by the
- 1769 contributor; and
- 1770 (ii) a specific description of the contribution;
- 1771 (f) a detailed listing of each expenditure made since the last summary report that has not
- 1772 been reported in detail on a prior interim report;
- 1773 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1774 (h) a net balance for the year consisting of the net balance from the last summary report,
- 1775 if any, plus all receipts since the last summary report minus all expenditures since the
- 1776 last summary report;
- 1777 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1778 (i) beginning balance;
- 1779 (ii) total contributions and public service assistance received during the period since
- 1780 the last statement;
- 1781 (iii) total contributions and public service assistance received to date;
- 1782 (iv) total expenditures during the period since the last statement; and
- 1783 (v) total expenditures to date; and
- 1784 (j) the name of a political action committee for which the legislative office candidate or
- 1785 legislative officeholder is designated as an officer who has primary decision-making
- 1786 authority under Section 20A-11-601.
- 1787 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 1788 of five days before the required filing date of the report.
- 1789 (b) Any negotiable instrument or check received by a legislative office candidate or
- 1790 legislative officeholder more than five days before the required filing date of a report
- 1791 required by this section shall be included in the interim report.
- 1792 Section 19. Section **20A-11-1303** is amended to read:
- 1793 **20A-11-1303 . School board office candidate and school board officeholder --**

1794 **Financial reporting requirements -- Interim reports.**

1795 (1)(a) As used in this section, "received" means:

1796 (i) for a cash contribution, that the cash is given to a school board office candidate or
1797 a member of the school board office candidate's personal campaign committee;1798 (ii) for a contribution that is a check or other negotiable instrument, that the check or
1799 other negotiable instrument is negotiated;1800 (iii) for a direct deposit made into a campaign account by a person not associated
1801 with the campaign, the earlier of:1802 (A) the day on which the school board office candidate or a member of the school
1803 board office candidate's personal campaign committee becomes aware of the
1804 deposit and the source of the deposit;1805 (B) the day on which the school board office candidate or a member of the school
1806 board office candidate's personal campaign committee receives notice of the
1807 deposit and the source of the deposit by mail, email, text, or similar means; or

1808 (C) 31 days after the day on which the direct deposit occurs; or

1809 (iv) for any other type of contribution, that any portion of the contribution's benefit
1810 inures to the school board office candidate.1811 (b) As used in this Subsection (1), "campaign account" means a separate campaign
1812 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).1813 (c) ~~[Each]~~ Except as provided in Subsection (2), each school board office candidate shall
1814 file an interim report at the following times in any year in which the candidate has
1815 filed a declaration of candidacy for a public office:

1816 (i) May 15;

1817 (ii) seven days before the regular primary election date;

1818 (iii) September 30; and

1819 (iv) seven days before the regular general election date.

1820 (2) If a school board office candidate is a school board office candidate seeking
1821 appointment for a midterm vacancy, the school board office candidate:1822 (a) shall file an interim report:1823 (i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later than
1824 three business days before the day on which the Senate meets to consider the
1825 school board office candidate's nomination; or1826 (ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):1827 (A) no later than three business days before the day on which the political party of

- 1828 the party for which the school board office candidate seeks nomination meets
1829 to declare a nominee for the governor to appoint; or
1830 (B) if the school board office candidate decides to seek the appointment with less
1831 than three business days before the day on which the political party meets, or
1832 the political party schedules the meeting to declare a nominee less than three
1833 business days before the day of the meeting, no later than 5 p.m. on the last day
1834 of business before the day on which the political party meets; and
1835 (b) is not required to file an interim report at the times described in Subsection (1)(c).
1836 [(2)] (3) Each interim report shall include the following information:
1837 (a) the net balance of the last summary report, if any;
1838 (b) a single figure equal to the total amount of receipts reported on all prior interim
1839 reports, if any, during the calendar year in which the interim report is due;
1840 (c) a single figure equal to the total amount of expenditures reported on all prior interim
1841 reports, if any, filed during the calendar year in which the interim report is due;
1842 (d) a detailed listing of:
1843 (i) for a school board office candidate, each contribution received since the last
1844 summary report that has not been reported in detail on a prior interim report; or
1845 (ii) for a school board officeholder, each contribution and public service assistance
1846 received since the last summary report that has not been reported in detail on a
1847 prior interim report;
1848 (e) for each nonmonetary contribution:
1849 (i) the fair market value of the contribution with that information provided by the
1850 contributor; and
1851 (ii) a specific description of the contribution;
1852 (f) a detailed listing of each expenditure made since the last summary report that has not
1853 been reported in detail on a prior interim report;
1854 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
1855 (h) a net balance for the year consisting of the net balance from the last summary report,
1856 if any, plus all receipts since the last summary report minus all expenditures since the
1857 last summary report;
1858 (i) a summary page in the form required by the lieutenant governor that identifies:
1859 (i) beginning balance;
1860 (ii) total contributions during the period since the last statement;
1861 (iii) total contributions to date;

- 1862 (iv) total expenditures during the period since the last statement; and
 1863 (v) total expenditures to date; and
 1864 (j) the name of a political action committee for which the school board office candidate
 1865 or school board officeholder is designated as an officer who has primary
 1866 decision-making authority under Section 20A-11-601.

1867 [~~(3)~~] (4)(a) In preparing each interim report, all receipts and expenditures shall be
 1868 reported as of five days before the required filing date of the report.

- 1869 (b) Any negotiable instrument or check received by a school board office candidate or
 1870 school board officeholder more than five days before the required filing date of a
 1871 report required by this section shall be included in the interim report.

1872 Section 20. Section **20A-11-1604** is amended to read:

1873 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
 1874 **reporting requirements.**

1875 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
 1876 any other official act of office in which a state constitutional officer has actual
 1877 knowledge that the state constitutional officer has a conflict of interest that is not
 1878 stated in the conflict of interest disclosure, the state constitutional officer shall
 1879 publicly declare that the state constitutional officer may have a conflict of interest
 1880 and what that conflict of interest is.

1881 (b) Before or during any vote on legislation or any legislative matter in which a
 1882 legislator has actual knowledge that the legislator has a conflict of interest that is not
 1883 stated in the conflict of interest disclosure, the legislator shall orally declare to the
 1884 committee or body before which the matter is pending that the legislator may have a
 1885 conflict of interest and what that conflict is.

1886 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
 1887 which a member of the State Board of Education has actual knowledge that the
 1888 member has a conflict of interest that is not stated in the conflict of interest
 1889 disclosure, the member shall orally declare to the board that the member may have a
 1890 conflict of interest and what that conflict of interest is.

1891 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
 1892 be noted:

1893 (a) on the official record of the action taken, for a state constitutional officer;

1894 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
 1895 applicable, for a legislator; or

- 1896 (c) in the minutes of the meeting or on the official record of the action taken, for a
1897 member of the State Board of Education.
- 1898 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
1899 website:
- 1900 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1901 (ii) if the state constitutional officer takes office after January 10, within 10 days after
1902 the day on which the state constitutional officer takes office; and
- 1903 (b) each time the state constitutional officer changes employment.
- 1904 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 1905 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1906 (ii) if the legislator takes office after January 10, within 10 days after the day on
1907 which the legislator takes office; and
- 1908 (b) each time the legislator changes employment.
- 1909 (5) A member of the State Board of Education shall make a complete conflict of interest
1910 disclosure on the website:
- 1911 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1912 (ii) if the member takes office after January 10, within 10 days after the day on which
1913 the member takes office; and
- 1914 (b) each time the member changes employment.
- 1915 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 1916 (a) the regulated officeholder's name;
- 1917 (b) subject to Subsection (7):
- 1918 (i) the name and address of each of the regulated officeholder's current employers and
1919 each of the regulated officeholder's employers during the preceding year; and
- 1920 [(e)] (ii) for each employer described in this Subsection (6)(b), a brief description of
1921 the employment, including the regulated officeholder's occupation and, as
1922 applicable, job title;
- 1923 [(d)] (c) for each entity in which the regulated officeholder is an owner or officer, or was
1924 an owner or officer during the preceding year:
- 1925 (i) the name of the entity;
- 1926 (ii) a brief description of the type of business or activity conducted by the entity; and
1927 (iii) the regulated officeholder's position in the entity;
- 1928 [(e)] (d) in accordance with Subsection [(7)] (8), for each individual from whom, or entity
1929 from which, the regulated officeholder has received \$5,000 or more in income during

- 1930 the preceding year:
- 1931 (i) the name of the individual or entity; and
- 1932 (ii) a brief description of the type of business or activity conducted by the individual
- 1933 or entity;
- 1934 ~~[(f)]~~ (e) for each entity in which the regulated officeholder holds any stocks or bonds
- 1935 having a fair market value of \$5,000 or more as of the date of the disclosure form or
- 1936 during the preceding year, but excluding funds that are managed by a third party,
- 1937 including blind trusts, managed investment accounts, and mutual funds:
- 1938 (i) the name of the entity; and
- 1939 (ii) a brief description of the type of business or activity conducted by the entity;
- 1940 ~~[(g)]~~ (f) for each entity not listed in Subsections ~~[(6)(d)]~~ (6)(c) through ~~[(f)]~~ (e) in which
- 1941 the regulated officeholder currently serves, or served in the preceding year, in a paid
- 1942 leadership capacity or in a paid or unpaid position on a board of directors:
- 1943 (i) the name of the entity or organization;
- 1944 (ii) a brief description of the type of business or activity conducted by the entity; and
- 1945 (iii) the type of position held by the regulated officeholder;
- 1946 ~~[(h)]~~ (g) at the option of the regulated officeholder, a description of any real property in
- 1947 which the regulated officeholder holds an ownership or other financial interest that
- 1948 the regulated officeholder believes may constitute a conflict of interest, including a
- 1949 description of the type of interest held by the regulated officeholder in the property;
- 1950 (h) subject to Subsection (7):
- 1951 (i) the name of the regulated officeholder's spouse; and
- 1952 (ii) the name of each of the regulated officeholder's spouse's current employers and
- 1953 each of the regulated officeholder's spouse's employers during the preceding year,
- 1954 if the regulated officeholder believes the employment may constitute a conflict of
- 1955 interest;
- 1956 (i) the name of any adult residing in the regulated officeholder's household who is not
- 1957 related to the officeholder by blood;
- 1958 ~~[(i) the name of the regulated officeholder's spouse and any other adult residing in the~~
- 1959 ~~regulated officeholder's household who is not related by blood or marriage, as~~
- 1960 ~~applicable;]~~
- 1961 ~~[(j) for the regulated officeholder's spouse, the information that a regulated officeholder~~
- 1962 ~~is required to provide under Subsection (6)(b);]~~
- 1963 ~~[(k)]~~ (j) ~~[a brief description of the employment and occupation of each adult who:]~~ for

1964 each adult described in Subsection (6)(i), a brief description of the adult's
1965 employment or occupation, if the regulated officeholder believes the adult's presence
1966 in the regulated officeholder's household may constitute a conflict of interest;
1967 [~~(i)~~] ~~resides in the regulated officeholder's household; and]~~
1968 [~~(ii)~~] ~~is not related to the regulated officeholder by blood or marriage;]~~
1969 [~~(k)~~] (k) at the option of the regulated officeholder, a description of any other matter or
1970 interest that the regulated officeholder believes may constitute a conflict of interest;
1971 [~~(l)~~] (l) the date the form was completed;
1972 [~~(m)~~] (m) a statement that the regulated officeholder believes that the form is true and
1973 accurate to the best of the regulated officeholder's knowledge; and
1974 [~~(n)~~] (n) the signature of the regulated officeholder.

1975 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated
1976 officeholder or regulated officeholder's spouse is an at-risk government employee, as
1977 that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may
1978 request the filing officer to redact from the conflict of interest disclosure:
1979 (i) the regulated officeholder's employment information under Subsection (6)(b); and
1980 (ii) the regulated officeholder's spouse's name and employment information under
1981 Subsection (6)(h).

1982 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact
1983 the disclosures made under Subsection (6)(b) or (h) before the filing officer makes
1984 the conflict of interest disclosure available for public inspection.

1985 [~~(7)~~] (8) In making the disclosure described in Subsection [~~(6)(e)~~] (6)(d), a regulated
1986 officeholder who provides goods or services to multiple customers or clients as part of a
1987 business or a licensed profession is only required to provide the information described in
1988 Subsection [~~(6)(e)~~] (6)(d) in relation to the entity or practice through which the regulated
1989 officeholder provides the goods or services and is not required to provide the
1990 information described in Subsection [~~(6)(e)~~] (6)(d) in relation to the regulated
1991 officeholder's individual customers or clients.

1992 [~~(8)~~] (9) The disclosure requirements described in this section do not prohibit a regulated
1993 officeholder from voting or acting on any matter.

1994 [~~(9)~~] (10) A regulated officeholder may amend a conflict of interest disclosure described in
1995 this part at any time.

1996 [~~(10)~~] (11) A regulated officeholder who violates the requirements of Subsection (1) is
1997 guilty of a class B misdemeanor.

- 1998 ~~[(11)]~~ (12)(a) A regulated officeholder who intentionally or knowingly violates a
 1999 provision of this section, other than Subsection (1), is guilty of a class B
 2000 misdemeanor.
- 2001 (b) In addition to the criminal penalty described in Subsection ~~[(11)(a)]~~ (12)(a), the
 2002 lieutenant governor shall impose a civil penalty of \$100 against a regulated
 2003 officeholder who violates a provision of this section, other than Subsection (1).
 2004 Section 21. Section **36-11-102** is amended to read:
- 2005 **36-11-102 . Definitions.**
- 2006 As used in this chapter:
- 2007 (1) "Aggregate daily expenditures" means:
- 2008 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
 2009 made within a calendar day by the lobbyist, principal, or government officer for the
 2010 benefit of an individual public official;
- 2011 (b) for an expenditure made by a member of a lobbyist group, the total of all
 2012 expenditures made within a calendar day by every member of the lobbyist group for
 2013 the benefit of an individual public official; or
- 2014 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
 2015 lobbyist within a calendar day for the benefit of an individual public official,
 2016 regardless of whether the expenditures were attributed to different clients.
- 2017 (2) "Approved activity" means an event, a tour, or a meeting:
- 2018 (a)(i) to which a legislator or another nonexecutive branch public official is invited;
 2019 and
- 2020 (ii) attendance at which is approved by:
- 2021 (A) the speaker of the House of Representatives, if the public official is a member
 2022 of the House of Representatives or another nonexecutive branch public official;
 2023 or
- 2024 (B) the president of the Senate, if the public official is a member of the Senate or
 2025 another nonexecutive branch public official; or
- 2026 (b)(i) to which a public official who holds a position in the executive branch of state
 2027 government is invited; and
- 2028 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 2029 (3) "Board of education" means:
- 2030 (a) a local school board described in Title 53G, Chapter 4, School Districts;
 2031 (b) the State Board of Education;

- 2032 (c) the State Charter School Board created under Section 53G-5-201; or
2033 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 2034 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 2035 (5)(a) "Compensation" means anything of economic value, however designated, that is
2036 paid, loaned, granted, given, donated, or transferred to an individual for the provision
2037 of services or ownership before any withholding required by federal or state law.
- 2038 (b) "Compensation" includes:
- 2039 (i) a salary or commission;
2040 (ii) a bonus;
2041 (iii) a benefit;
2042 (iv) a contribution to a retirement program or account;
2043 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
2044 Code, and subject to social security deductions, including a payment in excess of
2045 the maximum amount subject to deduction under social security law;
2046 (vi) an amount that the individual authorizes to be deducted or reduced for salary
2047 deferral or other benefits authorized by federal law; or
2048 (vii) income based on an individual's ownership interest.
- 2049 (6) "Compensation payor" means a person who pays compensation to a public official in
2050 the ordinary course of business:
- 2051 (a) because of the public official's ownership interest in the compensation payor; or
2052 (b) for services rendered by the public official on behalf of the compensation payor.
- 2053 (7) "Education action" means:
- 2054 (a) a resolution, policy, or other official action for consideration by a board of education;
2055 (b) a nomination or appointment by an education official or a board of education;
2056 (c) a vote on an administrative action taken by a vote of a board of education;
2057 (d) an adjudicative proceeding over which an education official has direct or indirect
2058 control;
2059 (e) a purchasing or contracting decision;
2060 (f) drafting or making a policy, resolution, or rule;
2061 (g) determining a rate or fee; or
2062 (h) making an adjudicative decision.
- 2063 (8) "Education official" means:
- 2064 (a) a member of a board of education;
2065 (b) an individual appointed to or employed in a position under a board of education, if

- 2066 that individual:
- 2067 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 2068 (ii) drafts resolutions or policies or drafts or makes rules;
- 2069 (iii) determines rates or fees;
- 2070 (iv) makes decisions relating to an education budget or the expenditure of public
- 2071 money; or
- 2072 (v) makes adjudicative decisions; or
- 2073 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 2074 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an
- 2075 individual participates in or is a spectator at, including a sporting event, an artistic event,
- 2076 a play, a movie, dancing, or singing.
- 2077 (10) "Executive action" means:
- 2078 (a) a nomination or appointment by the governor;
- 2079 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
- 2080 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2081 (c) agency ratemaking proceedings; or
- 2082 (d) an adjudicative proceeding of a state agency.
- 2083 (11)(a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
- 2084 given to or for the benefit of a public official unless consideration of equal or greater
- 2085 value is received:
- 2086 (i) a purchase, payment, or distribution;
- 2087 (ii) a loan, gift, or advance;
- 2088 (iii) a deposit, subscription, or forbearance;
- 2089 (iv) services or goods;
- 2090 (v) money;
- 2091 (vi) real property;
- 2092 (vii) a ticket or admission to an event; or
- 2093 (viii) a contract, promise, or agreement, whether or not legally enforceable, to
- 2094 provide any item listed in Subsections (11)(a)(i) through (vii).
- 2095 (b) "Expenditure" does not mean:
- 2096 (i) a commercially reasonable loan made in the ordinary course of business;
- 2097 (ii) a campaign contribution:
- 2098 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
- 2099 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any

- 2100 applicable ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(7) or
2101 17-16-6.5(1); or
- 2102 (B) lawfully given to a person that is not required to report the contribution under
2103 a law or ordinance described in Subsection (11)(b)(ii)(A);
- 2104 (iii) printed informational material that is related to the performance of the recipient's
2105 official duties;
- 2106 (iv) a devise or inheritance;
- 2107 (v) any item listed in Subsection (11)(a) if:
- 2108 (A) given by a relative;
- 2109 (B) given by a compensation payor for a purpose solely unrelated to the public
2110 official's position as a public official;
- 2111 (C) the item is food or beverage with a value that does not exceed the food
2112 reimbursement rate, and the aggregate daily expenditures for food and
2113 beverage do not exceed the food reimbursement rate; or
- 2114 (D) the item is not food or beverage, has a value of less than \$10, and the
2115 aggregate daily expenditures do not exceed \$10;
- 2116 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
2117 following are invited:
- 2118 (A) all members of the Legislature;
- 2119 (B) all members of a standing or interim committee;
- 2120 (C) all members of an official legislative task force;
- 2121 (D) all members of a party caucus; or
- 2122 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D)
2123 who are attending a meeting of a national organization whose primary purpose
2124 is addressing general legislative policy;
- 2125 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
2126 official who is:
- 2127 (A) giving a speech at the event, tour, or meeting;
- 2128 (B) participating in a panel discussion at the event, tour, or meeting; or
- 2129 (C) presenting or receiving an award at the event, tour, or meeting;
- 2130 (viii) a plaque, commendation, or award that:
- 2131 (A) is presented in public; and
- 2132 (B) has the name of the individual receiving the plaque, commendation, or award
2133 inscribed, etched, printed, or otherwise permanently marked on the plaque,

- 2134 commendation, or award;
- 2135 (ix) a gift that:
- 2136 (A) is an item that is not consumable and not perishable;
- 2137 (B) a public official, other than a local official or an education official, accepts on
- 2138 behalf of the state;
- 2139 (C) the public official promptly remits to the state;
- 2140 (D) a property administrator does not reject under Section 63G-23-103;
- 2141 (E) does not constitute a direct benefit to the public official before or after the
- 2142 public official remits the gift to the state; and
- 2143 (F) after being remitted to the state, is not transferred, divided, distributed, or used
- 2144 to distribute a gift or benefit to one or more public officials in a manner that
- 2145 would otherwise qualify the gift as an expenditure if the gift were given
- 2146 directly to a public official;
- 2147 (x) any of the following with a cash value not exceeding \$30:
- 2148 (A) a publication; or
- 2149 (B) a commemorative item;
- 2150 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose
- 2151 of which is:
- 2152 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11,
- 2153 Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section
- 2154 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under
- 2155 Subsection [~~10-3-208(6)~~] 10-3-208(7) or 17-16-6.5(1);
- 2156 (B) to solicit a campaign contribution that a person is not required to report under
- 2157 a law or ordinance described in Subsection (11)(b)(xi)(A); or
- 2158 (C) charitable solicitation, as defined in Section 13-22-2;
- 2159 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
- 2160 activity;
- 2161 (xiii) sponsorship of an approved activity;
- 2162 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
- 2163 or from an event, a tour, or a meeting:
- 2164 (A) that is sponsored by a governmental entity;
- 2165 (B) that is widely attended and related to a governmental duty of a public official;
- 2166 (C) for a local official, that is sponsored by an organization that represents only
- 2167 local governments, including the Utah Association of Counties, the Utah

- 2168 League of Cities and Towns, or the Utah Association of Special Districts; or
2169 (D) for an education official, that is sponsored by a public school, a charter
2170 school, or an organization that represents only public schools or charter
2171 schools, including the Utah Association of Public Charter Schools, the Utah
2172 School Boards Association, or the Utah School Superintendents Association; or
2173 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
2174 public official if that travel results in a financial savings to:
2175 (A) for a public official who is not a local official or an education official, the
2176 state; or
2177 (B) for a public official who is a local official or an education official, the local
2178 government or board of education to which the public official belongs.
- 2179 (12) "Food reimbursement rate" means the total amount set by the director of the Division
2180 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
2181 employee of the executive branch, for an entire day.
- 2182 (13)(a) "Foreign agent" means an individual who engages in lobbying under contract
2183 with a foreign government.
- 2184 (b) "Foreign agent" does not include an individual who is recognized by the United
2185 States Department of State as a duly accredited diplomatic or consular officer of a
2186 foreign government, including a duly accredited honorary consul.
- 2187 (14) "Foreign government" means a government other than the government of:
2188 (a) the United States;
2189 (b) a state within the United States;
2190 (c) a territory or possession of the United States; or
2191 (d) a political subdivision of the United States.
- 2192 (15)(a) "Government officer" means:
2193 (i) an individual elected to a position in state or local government, when acting in the
2194 capacity of the state or local government position;
2195 (ii) an individual elected to a board of education, when acting in the capacity of a
2196 member of a board of education;
2197 (iii) an individual appointed to fill a vacancy in a position described in Subsection
2198 (15)(a)(i) or (ii), when acting in the capacity of the position; or
2199 (iv) an individual appointed to or employed in a full-time position by state
2200 government, local government, or a board of education, when acting in the
2201 capacity of the individual's appointment or employment.

- 2202 (b) "Government officer" does not mean a member of the legislative branch of state
2203 government.
- 2204 (16) "Immediate family" means:
- 2205 (a) a spouse;
- 2206 (b) a child residing in the household; or
- 2207 (c) an individual claimed as a dependent for tax purposes.
- 2208 (17) "Legislative action" means:
- 2209 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
2210 proposed in either house of the Legislature or its committees or requested by a
2211 legislator; and
- 2212 (b) the action of the governor in approving or vetoing legislation.
- 2213 (18) "Lobbying" means communicating with a public official for the purpose of influencing
2214 a legislative action, executive action, local action, or education action.
- 2215 (19)(a) "Lobbyist" means:
- 2216 (i) an individual who is employed by a principal; or
- 2217 (ii) an individual who contracts for economic consideration, other than
2218 reimbursement for reasonable travel expenses, with a principal to lobby a public
2219 official.
- 2220 (b) "Lobbyist" does not include:
- 2221 (i) a government officer;
- 2222 (ii) a member or employee of the legislative branch of state government;
- 2223 (iii) a person, including a principal, while appearing at, or providing written
2224 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
2225 Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative
2226 Procedures Act;
- 2227 (iv) a person participating on or appearing before an advisory or study task force,
2228 commission, board, or committee, constituted by the Legislature, a local
2229 government, a board of education, or any agency or department of state
2230 government, except legislative standing, appropriation, or interim committees;
- 2231 (v) a representative of a political party;
- 2232 (vi) an individual representing a bona fide church solely for the purpose of protecting
2233 the right to practice the religious doctrines of the church, unless the individual or
2234 church makes an expenditure that confers a benefit on a public official;
- 2235 (vii) a newspaper, television station or network, radio station or network, periodical

- 2236 of general circulation, or book publisher for the purpose of publishing news items,
2237 editorials, other comments, or paid advertisements that directly or indirectly urge
2238 legislative action, executive action, local action, or education action;
- 2239 (viii) an individual who appears on the individual's own behalf before a committee of
2240 the Legislature, an agency of the executive branch of state government, a board of
2241 education, the governing body of a local government, a committee of a local
2242 government, or a committee of a board of education, solely for the purpose of
2243 testifying in support of or in opposition to legislative action, executive action,
2244 local action, or education action; or
- 2245 (ix) an individual representing a business, entity, or industry, who:
- 2246 (A) interacts with a public official, in the public official's capacity as a public
2247 official, while accompanied by a registered lobbyist who is lobbying in relation
2248 to the subject of the interaction or while presenting at a legislative committee
2249 meeting at the same time that the registered lobbyist is attending another
2250 legislative committee meeting; and
- 2251 (B) does not make an expenditure for, or on behalf of, a public official in relation
2252 to the interaction or during the period of interaction.
- 2253 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any
2254 combination of lobbyists, principals, and government officers, who each contribute a
2255 portion of an expenditure made to benefit a public official or member of the public
2256 official's immediate family.
- 2257 (21) "Local action" means:
- 2258 (a) an ordinance or resolution for consideration by a local government;
- 2259 (b) a nomination or appointment by a local official or a local government;
- 2260 (c) a vote on an administrative action taken by a vote of a local government's legislative
2261 body;
- 2262 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 2263 (e) a purchasing or contracting decision;
- 2264 (f) drafting or making a policy, resolution, or rule;
- 2265 (g) determining a rate or fee; or
- 2266 (h) making an adjudicative decision.
- 2267 (22) "Local government" means:
- 2268 (a) a county, city, or town;
- 2269 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities

- 2270 - Special Districts;
- 2271 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
- 2272 Act;
- 2273 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 2274 Government Entities - Community Reinvestment Agency Act;
- 2275 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 2276 (f) a redevelopment agency; or
- 2277 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
- 2278 13, Interlocal Cooperation Act.
- 2279 (23) "Local official" means:
- 2280 (a) an elected member of a local government;
- 2281 (b) an individual appointed to or employed in a position in a local government if that
- 2282 individual:
- 2283 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 2284 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 2285 (iii) determines rates or fees; or
- 2286 (iv) makes adjudicative decisions; or
- 2287 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 2288 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make
- 2289 a decision, including a conference, seminar, or summit.
- 2290 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
- 2291 represents two or more clients and divides the aggregate daily expenditure made to
- 2292 benefit a public official or member of the public official's immediate family between
- 2293 two or more of those clients.
- 2294 (26) "Principal" means a person that employs an individual to perform lobbying, either as
- 2295 an employee or as an independent contractor.
- 2296 (27) "Public official" means:
- 2297 (a)(i) a member of the Legislature;
- 2298 (ii) an individual elected to a position in the executive branch of state government; or
- 2299 (iii) an individual appointed to or employed in a position in the executive or
- 2300 legislative branch of state government if that individual:
- 2301 (A) occupies a policymaking position or makes purchasing or contracting
- 2302 decisions;
- 2303 (B) drafts legislation or makes rules;

2304 (C) determines rates or fees; or

2305 (D) makes adjudicative decisions;

2306 (b) an immediate family member of a person described in Subsection (27)(a);

2307 (c) a local official; or

2308 (d) an education official.

2309 (28) "Public official type" means a notation to identify whether a public official is:

2310 (a)(i) a member of the Legislature;

2311 (ii) an individual elected to a position in the executive branch of state government;

2312 (iii) an individual appointed to or employed in a position in the legislative branch of

2313 state government who meets the definition of public official under Subsection

2314 (27)(a)(iii);

2315 (iv) an individual appointed to or employed in a position in the executive branch of

2316 state government who meets the definition of public official under Subsection

2317 (27)(a)(iii);

2318 (v) a local official, including a description of the type of local government for which

2319 the individual is a local official; or

2320 (vi) an education official, including a description of the type of board of education for

2321 which the individual is an education official; or

2322 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or

2323 (d).

2324 (29) "Quarterly reporting period" means the three-month period covered by each financial

2325 report required under Subsection 36-11-201(2)(a).

2326 (30) "Related person" means a person, agent, or employee who knowingly and intentionally

2327 assists a lobbyist, principal, or government officer in lobbying.

2328 (31) "Relative" means:

2329 (a) a spouse;

2330 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law,

2331 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

2332 (c) a spouse of an individual described in Subsection (31)(b).

2333 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public

2334 official, and not primarily for entertainment, including:

2335 (a) viewing a facility;

2336 (b) viewing the sight of a natural disaster; or

2337 (c) assessing a circumstance in relation to which a public official may need to take

2338 action within the scope of the public official's duties.

2339 Section 22. **Effective Date.**

2340 This bill takes effect on May 7, 2025.