

HB0443S01 compared with HB0443

{Omitted text} shows text that was in HB0443 but was omitted in HB0443S01

inserted text shows text that was not in HB0443 but was inserted into HB0443S01

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Candidate Disclosure Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to conflict of interest disclosures.

Highlighted Provisions:

This bill:

- requires a candidate for {~~local~~} elective office in a county, municipality, or special district to file a conflict of interest disclosure statement at the time the candidate files a declaration of candidacy;

- creates an exception to the disclosure requirement described above if the candidate is seeking reelection to the same office and already, that same year, filed a conflict of interest disclosure statement;

- requires an election official to post the candidate's disclosure statement on the political subdivision's website;

- subject to certain exceptions, requires state and local candidates and officeholders to annually disclose any misdemeanor or felony offense for which the candidate or officeholder has been convicted by a court located within or outside of this state;

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for purposes of laws governing when a public employer may ask a question about a job applicant's criminal history, specifies that a candidate or officeholder described above is not an applicant for a job with a public employer;

- 21 ▶ creates deadlines and procedures related to the processes described above; and
- 22 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

- 25 None
- 26 None

29 **AMENDS:**

30 **10-3-301 , as last amended by Laws of Utah 2023, Chapter 435 , as last amended by Laws of Utah 2023, Chapter 435**

31 **20A-11-1602** , as last amended by Laws of Utah 2024, Chapter 443 , as last amended by Laws of Utah 2024, Chapter 443

32 **20A-11-1604** , as last amended by Laws of Utah 2022, Chapter 170 , as last amended by Laws of Utah 2022, Chapter 170

33 **34-52-102** , as last amended by Laws of Utah 2023, Chapters 16, 344 , as last amended by Laws of Utah 2023, Chapters 16, 344

34 **ENACTS:**

35 **10-3-301.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

36 **17-16-1.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

37 **17B-1-306.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

33 ~~**{20A-11-1603.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953}**~~

38

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

40 **Section 1. Section 10-3-301 is amended to read:**

41 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal office -- Mayor and recorder limitations.**

43 (1) As used in this section:

- 44 (a) "Absent" means that an elected municipal officer fails to perform official duties, including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend.
- 47 (b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.

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- 49 (c) "Secondary residence" means a place where an individual resides other than the individual's
principal place of residence.
- 51 (2)
- . (a) On or before May 1 in a year in which there is a municipal general election, the municipal clerk
shall publish a notice that identifies:
- 53 (i) the municipal offices to be voted on in the municipal general election; and
- 54 (ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)
(i).
- 56 (b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a
class A notice under Section 63G-30-102, for at least seven days.
- 58 (3)
- . (a) An individual who files a declaration of candidacy for a municipal office shall:
- 59 (i) comply with the requirements described in Section 20A-9-203[-] ; and
- 60 (ii) file the conflict of interest disclosure statement described in Section 10-3-301.5.
- 61 (b)
- . (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall
maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and
(c)(i) unless the date occurs on a:
- 64 (A) Saturday or Sunday; or
- 65 (B) state holiday as listed in Section 63G-1-301.
- 66 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than
40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without
maintaining office hours by:
- 69 (A) posting the recorder's or clerk's contact information, including a phone number and email address,
on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on
the municipal website; and
- 72 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact
information described in Subsection (3)(b)(ii)(A).
- 74 (4) An individual elected to municipal office shall be a registered voter in the municipality in which the
individual is elected.
- 76 (5)

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- . (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.
- 79 (b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the officer elected to the municipal office, during the officer's term of office:
- 81 (i) establishes a principal place of residence outside the district that the elected officer represents;
- 83 (ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;
- 86 (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
- 88 (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the lieutenant governor seeking information to determine the officer's residency.
- 91 (6)
- . (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:
- 95 (i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or
- 98 (ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.
- 100 (b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:
- 102 (i) whether the legislative body should give the consent; and
- 103 (ii) the length of time to which the legislative body should consent.
- 104 (7)
- . (a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.
- 106 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 107

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(c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.

109 (d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

111 Section 2. Section 2 is enacted to read:

112 **10-3-301.5. Conflict of interest disclosure statement for municipal office -- Required when filing for candidacy -- Public availability -- Enforcement.**

114 (1)

(a) A city recorder or town clerk shall, for each person seeking to become a candidate for a municipal office that is to be filled at the next general election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).

118 (b) A conflict of interest disclosure statement shall:

119 (i) be divided into sections representing each item of information described in Subsections 20A-11-1604(6)(a) through (p); and

121 (ii) immediately beneath each section, include a space for the candidate to provide a written response.

123 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)(a) shall complete the conflict of interest disclosure statement and submit the statement to the city recorder or town clerk at the time the candidate files a declaration of candidacy.

127 (3) A candidate is not required to comply with Subsection (2) if the candidate:

128 (a) currently holds the office for which the candidate seeks reelection;

129 (b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (3)(a), in accordance with Section 10-3-1313; and

131 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of interest disclosure statement described in Subsection (3)(b) is updated and accurate as of the date of filing the declaration of candidacy.

134 (4) Except as provided in Subsection (3), a city recorder or town clerk:

135 (a) may not accept a declaration of candidacy from a candidate for an office described in Subsection (1) (a) until the city recorder or town clerk receives a complete conflict of interest disclosure statement from the candidate; and

138 (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by posting an electronic copy of the statement:

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- 140 (i) on the municipality's website; or
- 141 (ii) if the municipality does not have a website, on the website of the county where the municipality is
located.
- 143 (5) A city recorder or town clerk shall ensure that a candidate's conflict of interest disclosure statement
remains posted on the website described in Subsection (4)(b) until:
- 145 (a) the candidate resigns or is disqualified as a candidate; or
- 146 (b) the day after the day of the official canvass for the general election.
- 147 (6)
- . (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section.
- 150 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the
prevailing party.
- 152 Section 3. Section 3 is enacted to read:
- 153 **17-16-1.5. Conflict of interest disclosure statement for county and local school board office --**
Required when filing for candidacy -- Public availability -- Enforcement.
- 155 (1)
- . (a) A county clerk shall, for each person seeking to become a candidate for a county office or local
school board office that is to be filled at the next general election, create, print, and provide the
person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).
- 159 (b) A conflict of interest disclosure statement shall:
- 160 (i) be divided into sections representing each item of information described in Subsections
20A-11-1604(6)(a) through (p); and
- 162 (ii) immediately beneath each section, include a space for the candidate to provide a written response.
- 164 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)(a) shall
complete the conflict of interest disclosure statement and submit the statement to the county clerk at
the time the candidate files a declaration of candidacy.
- 167 (3) A candidate is not required to comply with Subsection (2) if the candidate:
- 168 (a) currently holds the office for which the candidate seeks reelection;
- 169 (b) already, that same year, filed a conflict of interest disclosure statement for the office described in
Subsection (3)(a), in accordance with:
- 171 (i) for a county office, Section 17-16a-13; or

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- 172 (ii) for a local school board office, Section 67-16-16; and
- 173 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of
interest disclosure statement described in Subsection (3)(b) is updated and accurate as of the date of
filing the declaration of candidacy.
- 176 (4) Except as provided in Subsection (3), a county clerk:
- 177 (a) may not accept a declaration of candidacy from a candidate for an office described in Subsection
(1)(a) until the county clerk receives a complete conflict of interest disclosure statement from the
candidate; and
- 180 (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by
posting an electronic copy of the statement on the county's website.
- 182 (5) A county clerk shall ensure that a candidate's conflict of interest disclosure statement remains posted
on the website described in Subsection (4)(b) until:
- 184 (a) the candidate resigns or is disqualified as a candidate; or
- 185 (b) the day after the day of the official canvass for the general election.
- 186 (6)
- . (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section.
- 189 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the
prevailing party.
- 191 Section 4. Section 4 is enacted to read:
- 192 **17B-1-306.1. Conflict of interest disclosure statement for special district office -- Required**
when filing for candidacy -- Public availability -- Enforcement.
- 194 (1) As used in this section, "filing officer" means the official designated by a special district board
under Subsection 17B-1-306(5)(a) to receive a declaration of candidacy.
- 196 (2)
- . (a) A filing officer shall, for each person seeking to become a candidate for an elective special district
board that is to be filled at the next general election, create, print, and provide the person with a
copy of the conflict of interest disclosure statement described in Subsection (2)(b).
- 200 (b) A conflict of interest disclosure statement shall:
- 201 (i) be divided into sections representing each item of information described in Subsections
20A-11-1604(6)(a) through (p); and

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- 203 (ii) immediately beneath each section, include a space for the candidate to provide a written response.
- 205 (3) Except as provided in Subsection (4), a candidate for an office described in Subsection (1)(a) shall
complete the conflict of interest disclosure statement and submit the statement to the filing officer at
the time the candidate files a declaration of candidacy.
- 208 (4) A candidate is not required to comply with Subsection (3) if the candidate:
- 209 (a) currently holds the office for which the candidate seeks reelection;
- 210 (b) already, that same year, filed a conflict of interest disclosure statement for the office described in
Subsection (4)(a), in accordance with Section 67-16-16; and
- 212 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of
interest disclosure statement described in Subsection (4)(b) is updated and accurate as of the date of
filing the declaration of candidacy.
- 215 (5) Except as provided in Subsection (4), a filing officer:
- 216 (a) may not accept a declaration of candidacy from a candidate for an office described in Subsection
(2)(a) until the filing officer receives a complete conflict of interest disclosure statement from the
candidate; and
- 219 (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by
posting an electronic copy of the statement on:
- 221 (i) the special district's website; or
- 222 (ii) if the special district does not have a website, the website of each county in which the special
district is located.
- 224 (6) A filing officer shall ensure that a candidate's conflict of interest disclosure statement remains
posted on the website described in Subsection (5)(b) until:
- 226 (a) the candidate resigns or is disqualified as a candidate; or
- 227 (b) the day after the day of the official canvass for the general election.
- 228 (7)
- . (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section.
- 231 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the
prevailing party.

233 Section 5. Section **20A-11-1602** is amended to read:

234 **20A-11-1602. Definitions.**

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As used in this part:

- 39 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder
reasonably believes may cause direct financial benefit or detriment to the officeholder, a member
of the officeholder's immediate family, or an individual or entity that the officeholder is required
to disclose under the provisions of this section, if that benefit or detriment is distinguishable from
the effects of that action on the public or on the officeholder's profession, occupation, or association
generally.
- 45 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required
under Section 20A-11-1604.
- 47 (3)
- . (a) "Conviction" means a judicial determination that a person is guilty of a criminal offense, regardless
of whether the conviction is the result of a trial or a plea of guilty or no contest.
- 50 (b) "Conviction" does not mean an adjudication of juvenile delinquency.
- 51 ~~(3)~~ (4) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership,
a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a
governmental entity, an unincorporated organization, or any other legal entity, regardless of whether
it is established primarily for the purpose of gain or economic profit.
- 56 ~~(4)~~ (5) "Local official" means:
- 57 (a) an elected officer of:
- 58 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; or
- 60 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure Act;
- 62 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
or
- 64 (c) another individual:
- 65 (i) who is not a regulated officeholder; and
- 66 (ii) who is required to annually make a conflict of interest disclosure in accordance with Subsection
20A-11-1604(6).
- 68 ~~(5)~~ (6) "Filing officer" means:
- 69 (a) the lieutenant governor, for the office of a state constitutional officer or State Board of Education
member; ~~{ or }~~

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(b) the lieutenant governor or the county clerk in the county of the candidate's residence, for a state legislative office{~~[.]{}~~ {~~:~~};

73 ~~{(e)}~~ {the county clerk, for a county office or a local school board office;}

74 ~~{(d)}~~ {the city recorder or town clerk, for a municipal office; or}

75 ~~{(e)}~~ {the special district clerk, for a special district office.}

76 ~~[(6)]~~ (7) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.

79 ~~[(7)]~~ (8) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.

83 ~~[(8)]~~ (9)

(a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:

86 (i) the entity or a portion of the entity; or

87 (ii) an employee, agent, or independent contractor of the entity.

88 (b) "Owner or officer" includes:

89 (i) a member of a board of directors or other governing body of an entity; or

90 (ii) a partner in any type of partnership.

91 ~~[(9)]~~ (10) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.

93 ~~[(10)]~~ (11) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.

95 ~~[(11)]~~ (12) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

97 ~~[(12)]~~ (13) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

99 Section 2. Section 2 is enacted to read:

100 **20A-11-1603.5. Conflict of interest disclosure statement for local office - Required when filing for candidacy -- Public availability.**

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- 102 (1)
- (a) A filing officer shall, for each person seeking to become a candidate for a county office, municipal office, local school board office, or special district office that is to be filled at the next election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).
- 106 (b) A conflict of interest disclosure statement shall:
- 107 (i) be divided into sections representing each item of information described in Subsections 20A-11-1604(6)(a) through (p); and
- 109 (ii) immediately beneath each section, include a space for the candidate to provide a written response.
- 111 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)(a) shall complete the conflict of interest disclosure statement and submit the statement to the filing officer at the time the candidate files a declaration of candidacy.
- 114 (3) A candidate is not required to comply with Subsection (2) if the candidate:
- 115 (a) currently holds the office for which the candidate seeks reelection;
- 116 (b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (3)(a), in accordance with:
- 118 (i) for a county office, Section 17-16a-13;
- 119 (ii) for a municipal office, Section 10-3-1313; or
- 120 (iii) for a local school board office or special district office, Section 67-16-16; and
- 121 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of interest disclosure statement described in Subsection (3)(b) is updated and accurate as of the date of filing the declaration of candidacy.
- 124 (4) Except as provided in Subsection (3), a filing officer:
- 125 (a) may not accept a declaration of candidacy from a candidate for an office described in Subsection (1)(a) until the filing officer receives a complete conflict of interest disclosure statement from the candidate; and
- 128 (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by posting an electronic copy of the statement:
- 130 (i) for a county office or a local school board office, on the county's website;
- 131 (ii) for a municipal office:
- 132 (A) on the municipality's website; or

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133 (B) if the municipality does not have a website, on the website of the county where the municipality is
located; or

135 (iii) for a special district office:

136 (A) on the special district's website; or

137 (B) if the special district does not have a website, on the website of each county in which the special
district is located.

139 (5) A filing officer shall ensure that a candidate's conflict of interest disclosure statement remains
posted on the website described in Subsection (4)(b) until:

141 (a) the candidate resigns or is disqualified as a candidate; or

142 (b) the day after the day of the official canvass for the general election.

293 Section 6. Section **20A-11-1604** is amended to read:

294 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting**
requirements.

146 (1)

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

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

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

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

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

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

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- 167 (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State
Board of Education.
- 169 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
- 171 (a)
- . (i) no sooner than January 1 each year, and before January 11 each year; or
- 172 (ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which
the state constitutional officer takes office; and
- 174 (b) each time the state constitutional officer changes employment.
- 175 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 176 (a)
- . (i) no sooner than January 1 each year, and before January 11 each year; or
- 177 (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator
takes office; and
- 179 (b) each time the legislator changes employment.
- 180 (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on
the website:
- 182 (a)
- . (i) no sooner than January 1 each year, and before January 11 each year; or
- 183 (ii) if the member takes office after January 10, within 10 days after the day on which the member takes
office; and
- 185 (b) each time the member changes employment.
- 186 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 187 (a) the regulated officeholder's name;
- 188 (b) the name and address of each of the regulated officeholder's current employers and each of the
regulated officeholder's employers during the preceding year;
- 190 (c) for each employer described in Subsection (6)(b), a brief description of the employment, including
the regulated officeholder's occupation and, as applicable, job title;
- 193 (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer
during the preceding year:
- 195 (i) the name of the entity;
- 196 (ii) a brief description of the type of business or activity conducted by the entity; and

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- 197 (iii) the regulated officeholder's position in the entity;
- 198 (e) in accordance with Subsection [~~(7)~~] (8), for each individual from whom, or entity from which, the
regulated officeholder has received \$5,000 or more in income during the preceding year:
- 201 (i) the name of the individual or entity; and
- 202 (ii) a brief description of the type of business or activity conducted by the individual or entity;
- 204 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market
value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but
excluding funds that are managed by a third party, including blind trusts, managed investment
accounts, and mutual funds:
- 208 (i) the name of the entity; and
- 209 (ii) a brief description of the type of business or activity conducted by the entity;
- 210 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder
currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid
position on a board of directors:
- 213 (i) the name of the entity or organization;
- 214 (ii) a brief description of the type of business or activity conducted by the entity; and
- 215 (iii) the type of position held by the regulated officeholder;
- 216 (h) at the option of the regulated officeholder, a description of any real property in which the regulated
officeholder holds an ownership or other financial interest that the regulated officeholder believes
may constitute a conflict of interest, including a description of the type of interest held by the
regulated officeholder in the property;
- 220 (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated
officeholder's household who is not related by blood or marriage, as applicable;
- 223 (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to
provide under Subsection (6)(b);
- 225 (k) a brief description of the employment and occupation of each adult who:
- 226 (i) resides in the regulated officeholder's household; and
- 227 (ii) is not related to the regulated officeholder by blood or marriage;
- 228 (l) except as provided in Subsection (7), a description of any misdemeanor or felony criminal offense
for which the regulated officeholder was convicted;

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- [~~(f)~~] (m) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
- 232 [~~(m)~~] (n) the date the form was completed;
- 233 [~~(n)~~] (o) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
- 235 [~~(o)~~] (p) the signature of the regulated officeholder.
- 236 (7) In making the disclosure described in Subsection (6)(l), a regulated officeholder does not need to disclose a conviction that was:
- 238 (a) for a traffic-related misdemeanor offense, unless the offense involved the use of drugs, alcohol, or a controlled substance;
- 240 (b) reversed, set aside, or vacated; or
- 241 (c) expunged under the laws of the relevant jurisdiction.
- 242 [~~(7)~~] (8) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.
- 249 [~~(8)~~] (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- 251 [~~(9)~~] (10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- 253 [~~(10)~~] (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- 255 [~~(11)~~] (12)
- . (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 258 (b) In addition to the criminal penalty described in Subsection [~~(11)(a)~~] (12)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).
- 411 Section 7. Section **34-52-102** is amended to read:

HB0443 compared with HB0443S01

412 **34-52-102. Definitions.**

As used in this chapter:

264 (1)

. (a) "Applicant" means an individual who provides information to a public employer or private employer for the purpose of obtaining employment.

266 (b) "Applicant" does not include an individual who provides information to a public employer under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures.

268 (2)

. (a) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or a plea of guilty or nolo contendere to a criminal charge.

270 (b) "Criminal conviction" does not include an expunged criminal conviction.

271 (3) "Juvenile adjudication" means:

272 (a) a finding by a court that the facts in a petition or criminal information alleging an individual committed an offense when the individual was younger than 18 years old have been proved; or

275 (b) an admission or plea of no contest under Section 80-6-306.

276 (4) "Mental health professional applicant" means an individual who:

277 (a) is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; and

278 (b) provides information to a public employer or private employer for the purpose of obtaining employment that requires a license under Title 58, Chapter 60, Mental Health Professional Practice Act.

281 (5)

. (a) "Private employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.

284 (b) "Private employer" does not include a public employer.

285 (6) "Public employer" means an employer that is:

286 (a) the state or any administrative subunit of the state, including a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of state government;

289 (b) a state institution of higher education; or

290 (c) a municipal corporation, county, municipality, school district, special district, special service district, or other political subdivision of the state.

442 Section 8. **Effective date.**

HB0443 compared with HB0443S01

This bill takes effect on May 7, 2025.

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