

HB0504S01 compared with HB0504

~~{Omitted text}~~ shows text that was in HB0504 but was omitted in HB0504S01

inserted text shows text that was not in HB0504 but was inserted into HB0504S01

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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



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 a conflict of interest disclosure statement at the time the candidate files a declaration of candidacy;

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

13 ▶ for a midterm vacancy in an office described above, or for a midterm vacancy in a statewide, state school board, or state legislative office, requires a candidate seeking to 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 make the disclosure available for public inspection on the state's or political subdivision's website;

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if a midterm vacancy occurs in an office for which a registered political party is entitled to declare a nominee to fill the vacancy, requires the registered political party to notify 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 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 county or municipal legislative body to notify, respectively, the county or municipal clerk;
- 28 ▶ establishes deadlines related to the processes described above;
- 29 ▶ for state and legislative office candidates seeking appointment to fill a midterm vacancy, 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 circumstances;
- and
- 35 • permit the candidate or officeholder making the disclosure to request the redaction of certain personally identifiable information from the disclosure if the candidate, officeholder, or the candidate's or officeholder's spouse is an at-risk government employee; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 None

45 **AMENDS:**

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

47 **10-3-301** , as last amended by Laws of Utah 2023, Chapter 435 , 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 , as last amended by Laws of Utah 2024, Chapter 158

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20A-1-503 , as last amended by Laws of Utah 2019, First Special Session, Chapter 4 , 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 , 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 , 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 , 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 , 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 , 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 , as last amended by Laws of Utah 2020, Chapter 271

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

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

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

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

60 **20A-11-1303** , as last amended by Laws of Utah 2021, Chapter 20 , as last amended by Laws of Utah 2021, Chapter 20

61 **20A-11-1604** , as last amended by Laws of Utah 2022, Chapter 170 , 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 , as last amended by Laws of Utah 2024, Chapters 425, 438

63 ENACTS:

64 **10-3-301.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

65 **17-16-1.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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66 **17B-1-306.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

67 **20A-8-402.6** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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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 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 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 person to receive contributions or make expenditures to bring about the 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 of value given to a candidate;

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- (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of 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 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 individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- 105 (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- 107 (C) goods or services provided for the benefit of a candidate at less than fair 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 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 the candidate on behalf of the candidate:
- 117 (A) any disbursement from contributions, receipts, or from an account described in Subsection (3) (a);
- 119 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- 121 (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;

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- 124 (D) compensation paid by a candidate for personal services rendered by a person without charge to
a reporting entity;
- 126 (E) a transfer of funds between the candidate and a candidate's personal campaign 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 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 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 business.
- 135 (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated
with a candidate.
- 137 (h)
- (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf
of and with the knowledge of the candidate, to provide political advice to the candidate.
- 140 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), 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 person on behalf of
and with the knowledge of the candidate, be paid in the 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 to influence,
directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a
person seeking a municipal office at any caucus, political 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

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- 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 requirements for a candidate that are more stringent than the requirements provided in Subsections (3) through ~~[(7)]~~ (8).
- 163 (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
- 165 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements 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; and
- 171 (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- 173 (4)
- (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
- 177 (b) Each candidate who is not eliminated at a municipal primary election shall file a 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 election shall file with the municipal clerk or recorder a campaign finance statement 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 participate in that race shall file a campaign finance statement with the municipal clerk 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.

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- 191 (6)
- (a) If a candidate seeks appointment to fill a midterm vacancy in a municipal office the candidate shall, no later than three business days before the day on which the municipal legislative body meets to interview the candidate in accordance with Section 20A-1-510, file a campaign finance statement with the municipal clerk or recorder.
- 196 (b) Upon receipt of the campaign finance statement described in Subsection (6)(a), the municipal clerk or recorder shall immediately submit a copy of the statement to the municipal legislative body.
- 199 [~~(6)~~] (7) Each campaign finance statement described in Subsection [~~(4) or (5)~~] (4), (5), or (6) 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, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
- 206 (B) expenditures made up to and including five days before the campaign finance 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 donor, if known; and
- 211 (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
- 213 (b) report the total amount of all contributions and expenditures if the candidate receives \$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 instrument, exceeds the anonymous contribution limit, and is from a donor whose name 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 political subdivision's general fund; or
- 220 (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- 222 [~~(8)~~] (9)
- (a) A municipality may, by ordinance:
- 223 (i) provide an anonymous contribution limit less than \$50;

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- 224 (ii) require greater disclosure of contributions or expenditures than is required in this section; and
226 (iii) impose additional penalties on candidates who fail to comply with the applicable 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 ordinance
adopted by the municipality under Subsection [~~(8)(a)~~] (9)(a) if:
- 230 (i) the municipal ordinance establishes requirements or penalties that differ from those established in
this section; and
- 232 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as
required in Subsection [~~(9)~~] (10).
- 234 [~~(9)~~] (10) Each municipal clerk or recorder shall, at the time the candidate for municipal office files
a declaration of candidacy, and again 35 days before each municipal general election, notify the
candidate in writing of:
- 237 (a) the provisions of statute or municipal ordinance governing the disclosure of 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, including the
statutory provision that requires removal of the candidate's name from 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 Access and
Management Act, the municipal clerk or recorder shall:
- 245 (a) make each campaign finance statement filed by a candidate available for public 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 inspection by:
- 249 (i) posting an electronic copy or the contents of the statement on the municipality's website no later than
seven business days after the day on which the statement is filed; and
- 252 (ii) in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii), providing the
lieutenant governor with a link to the electronic posting described in Subsection [~~(10)(b)(i)~~] (11)(b)
(i) no later than two business days after the day on which the statement is filed.
- 256 [~~(11)~~] (12)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5),
the municipal clerk or recorder:

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- 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 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 appropriate election
official that the candidate is disqualified if the candidate fails to file a campaign finance statement
described in Subsection (4) or (5) within 24 hours 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 disqualified;
- 271 (B) send an email notification to each voter who is eligible to vote in the municipal election office
race for whom the election official has an email address informing the voter that the candidate is
disqualified and that votes cast 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 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)(e)(i)~~] (12)(c)
(i) in relation to a mailed ballot, including a military overseas ballot, by 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 ballot is
disqualified.
- 285 [~~(13)~~] (14) Notwithstanding Subsection [~~(11)(b)~~] (12)(b), a candidate who timely files each 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 Subsection [~~(6)~~] (7),
except for inadvertent omissions or insignificant errors or inaccuracies; and
- 290 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled
report.

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[(14)] (15) A candidate for municipal office who is disqualified under Subsection [(11)(b)] (12)(b) shall file with the municipal clerk or recorder a complete and accurate campaign 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 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 jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the 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 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 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, including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend.

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

311 (c) "Secondary residence" means a place where an individual resides other than the 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 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 Subsection (2)(a) (i).

318 (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.

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

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- 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 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:
- 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 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:
- 331 (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
334 (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).
- 336 (4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.
- 338 (5)
- (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.
- 341 (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:
- 343 (i) establishes a principal place of residence outside the district that the elected officer represents;
345 (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;
- 348 (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
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(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.

353 (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:

357 (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

360 (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.

362 (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:

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 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 municipal elected office.

371 (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.

373 Section 3. Section 3 is enacted to read:

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

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

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- 381 (i) be divided into sections representing each item of information described in Subsections
20A-11-1604(6)(a) through (p); and
- 383 (ii) immediately beneath each section, include a space for the candidate to provide a written response.
- 385 (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.
- 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 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 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.
- 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 Subsection (1)
(a) until the city recorder or town clerk receives a complete conflict of interest disclosure statement
from the candidate; and
- 400 (b) shall make a candidate's conflict of interest disclosure statement available for public 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 the municipality is
located.
- 405 (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:
- 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 under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section.
- 412 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the
prevailing party.

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414 Section 4. Section 4 is enacted to read:

415 **17-16-1.5. Conflict of interest disclosure statement for county and local school board office**
416 **-- 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 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).

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

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

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

426 (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.

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 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 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.

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 Subsection (1)(a) until the county clerk receives a complete conflict of interest disclosure statement from the candidate; and

442 (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.

444 (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:

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- 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 under Title 78A,
Judiciary and Judicial Administration, to enforce the provisions of this section.
451 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees 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 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 report the
candidate's itemized and total campaign contributions and expenditures at least once within the two
weeks before the election and at least once within two months after the election;

464 [(~~ii~~)] (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary
contributions such as in-kind contributions and contributions of tangible things;

467 [(~~iii~~)] (c) a requirement that the financial reports identify:

468 [~~(A)~~] (i) for each contribution, the name of the donor of the contribution, if known, and the amount of
the contribution; and

470 [~~(B)~~] (ii) for each expenditure, the name of the recipient and the amount of the expenditure;

472 [(~~iv~~)] (d) a requirement that a candidate for county office or local school board office deposit a
contribution in a separate campaign account into a financial institution;

474 [~~(v)~~] (e) a prohibition against a candidate for county office or local school board office depositing or
mingling any contributions received into a personal or business account; [~~and~~]

477 [(~~vi~~)] (f) a requirement that a candidate for county office who receives a contribution that is cash or a
negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30
days after receiving the contribution, disburse the amount of the contribution to:

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- 482 [(A)] (i) the treasurer of the state or a political subdivision for deposit into the state's or political
subdivision's general fund; or
- 483 [(B)] (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal
Revenue Code[-] ;
- 485 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a county office
or local school board office file the financial report described in Subsection (2)(c) with the county
clerk:
- 488 (i) for a county office vacancy described in { Section 20A-1-508 } Subsection 20A-1-508(3) or (7), no
later than three business days before the day on which the political party of the prior officeholder
submits the candidate's name to the county legislative body as the individual the political party
selects to fill the vacancy;
- 492 (ii) for { the office of } a county or district attorney office vacancy described in { Section 20A-1-509.1 }
Subsection 20A-1-509.1(5)(a), no later than three business days before the day on which the
political party of the prior officeholder submits the candidate's name to the county legislative body
as one of the three individuals the party nominates to fill the vacancy;
- 496 (iii) for { the office of } a county or district attorney office vacancy described in Section 20A-1-509.2:
- 497 (A) no later than the deadline for the candidate to submit an application to fill the vacancy under
Subsection { 20A-1-509.2(2)(b) } 20A-1-509.2(2)(c); and
- 499 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an application to fill
the vacancy, no later than three business days before the day on which the political party of the
prior officeholder submits the candidate's name to the county legislative body as one of the three
individuals the party nominates to fill the vacancy; or
- 504 (iv) for a local school board office vacancy, no later than three business days before the day on which
the local school board meets to interview each candidate interested in filling the vacancy in
accordance with Section 20A-1-511; and
- 507 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g), the county
clerk immediately submit a copy of the report to the county legislative body.
- 510 [(e)] (3)
- 511 [(i)] (a) As used in this Subsection [(1)(e)] (3), "account" means an account in a financial institution:
- 512 [(A)] (i) that is not described in Subsection [(1)(b)(iv)] (2)(d); and
- 513

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

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

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

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

525 ~~[(2)]~~ (4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections ~~[(3)]~~ (5) through ~~[(8)]~~ (10).

529 ~~[(3)]~~ (5) A candidate for elective office in a county or local school board office:

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

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

534 ~~[(4)]~~ (6) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:

538 (a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and

540 (b) no later than 30 days after the date of the regular general election.

541 ~~[(5)]~~ (7)

(a) The statement filed seven days before the regular general election shall include:

543 (i) a list of each contribution received by the candidate, and the name of the donor, if known; and

545 (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

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

548 (i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and

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(ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

553 ~~[(6)]~~ (8)

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

555 (i) that is not described in Subsection ~~[(3)(a)]~~ (5)(a); and

556 (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

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

564 (i) a contribution deposited into an account:

565 (A) since the last campaign finance statement was filed; or

566 (B) that has not been reported under a statute or ordinance that governs the account; or

568 (ii) an expenditure made from an account:

569 (A) since the last campaign finance statement was filed; or

570 (B) that has not been reported under a statute or ordinance that governs the account.

572 ~~[(7)]~~ (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:

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

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

579 ~~[(8)]~~ (10) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

583 (11)

(a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board office shall:

585 (i) comply with Subsections (5) and (9); and

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- 586 (ii) file a signed campaign financial statement with the county clerk no later than the deadline
 described in Subsection (2)(g).
- 588 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii), the county
 clerk shall immediately submit a copy of the statement to the county legislative body.
- 591 ~~[(9)]~~ (12) Any person who fails to comply with this section is guilty of an infraction.
- 592 ~~[(10)]~~ (13)
- (a) Counties may, by ordinance, enact requirements that:
- 593 (i) require greater disclosure of campaign contributions and expenditures; and
- 594 (ii) impose additional penalties.
- 595 (b) The requirements described in Subsection ~~[(10)(a)]~~ (13)(a) apply to a local school board office
 candidate who resides in that county.
- 597 ~~[(11)]~~ (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 599 (a) may send an electronic notice to the candidate and the political party of which the candidate is a
 member, if any, that states:
- 601 (i) that the candidate failed to timely file the report; and
- 602 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the
 candidate will be disqualified and the political party will not be permitted to replace the candidate;
 and
- 605 (b) impose a fine of \$100 on the candidate.
- 606 ~~[(12)]~~ (15)
- (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that
 the candidate is disqualified if the candidate fails to file an interim report described in Subsection
 ~~[(11)]~~ (14) within 24 hours after the deadline for filing the report.
- 610 (b) The political party of a candidate who is disqualified under Subsection ~~[(12)(a)]~~ (15)(a) may not
 replace the candidate.
- 612 (c) A candidate who is disqualified under Subsection ~~[(12)(a)]~~ (15)(a) shall file with the county clerk
 a complete and accurate campaign finance statement within 30 days after the day on which the
 candidate is disqualified.
- 615 ~~[(13)]~~ (16) If a candidate is disqualified under Subsection ~~[(12)(a)]~~ (15)(a), the election official:
- 617 (a) shall:
- 618 (i) notify every opposing candidate for the county office that the candidate is disqualified;

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- 620 (ii) send an email notification to each voter who is eligible to vote in the county election office race for
whom the election official has an email address informing the voter that the candidate is disqualified
and that votes cast for the candidate will not be counted;
- 624 (iii) post notice of the disqualification on the county's website; and
- 625 (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name
before the ballots are delivered to voters; and
- 627 (b) may not count any votes for that candidate.
- 628 [~~(14)~~] (17) An election official may fulfill the requirement described in Subsection [~~(13)(a)~~] (16)(a)
in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
written notice directing the voter to the county's website to inform the voter whether a candidate on
the ballot is disqualified.
- 632 [~~(15)~~] (18) A candidate is not disqualified if:
- 633 (a) the candidate files the interim reports described in Subsection [~~(11)~~] (14) no later than 24 hours after
the applicable deadlines for filing the reports;
- 635 (b) the reports are completed, detailing accurately and completely the information required by this
section except for inadvertent omissions or insignificant errors or inaccuracies; and
- 638 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled
report.
- 640 [~~(16)~~] (19)
- (a) A report is considered timely filed if:
- 641 (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the
end of the day on which the report is due;
- 643 (ii) the report is received in the county clerk's office with a United States Postal Service postmark
three days or more before the date that the report was due; or
- 645 (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing,
three days before the report was due.
- 647 (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is
due, the county clerk shall permit a candidate to file the report via email or another electronic means
designated by the county clerk.
- 650 [~~(17)~~] (20)

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

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

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

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

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

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

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

677 Section 6. Section 6 is enacted to read:

679 **17B-1-306.1. Conflict of interest disclosure statement for special district office -- Required
681 when filing for candidacy -- Public availability -- Enforcement.**

683 (1) As used in this section, "filing officer" means the official designated by a special district board
685 under Subsection 17B-1-306(5)(a) to receive a declaration of candidacy.

687 (2)

689 (a) A filing officer shall, for each person seeking to become a candidate for an elective special district
691 board that is to be filled at the next general election, create, print, and provide the person with a
693 copy of the conflict of interest disclosure statement described in Subsection (2)(b).

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

697 (i) be divided into sections representing each item of information described in Subsections
699 20A-11-1604(6)(a) through (p); and

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

703 (3) Except as provided in Subsection (4), a candidate for an office described in Subsection (2)(a) shall
705 complete the conflict of interest disclosure statement and submit the statement to the filing officer at
707 the time the candidate files a declaration of candidacy.

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- 684 (4) A candidate is not required to comply with Subsection (3) if the candidate:
685 (a) currently holds the office for which the candidate seeks reelection;
686 (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
688 (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.
- 691 (5) Except as provided in Subsection (4), a filing officer:
692 (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
695 (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by
posting an electronic copy of the statement on:
697 (i) the special district's website; or
698 (ii) if the special district does not have a website, the website of each county in which the special
district is located.
- 700 (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:
702 (a) the candidate resigns or is disqualified as a candidate; or
703 (b) the day after the day of the official canvass for the general election.
- 704 (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.
707 (b) In a civil action under Subsection (7)(a), the court may award costs and attorney fees to the
prevailing party.
- 710 Section 7. Section **20A-1-503** is amended to read:
711 **20A-1-503. Midterm vacancies in the Legislature.**
711 (1) As used in this section:
712 (a) "Filing deadline" means the final date for filing:
713 (i) a declaration of candidacy as provided in Section 20A-9-202; and
714 (ii) a certificate of nomination as provided in Section 20A-9-503.

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- 715 (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant
governor on all matters relating to the political party's relationship with the state as required by
Section 20A-8-401.
- 718 (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor
shall fill the vacancy by immediately appointing the person whose name was submitted by the party
liaison of the same political party as the prior representative.
- 721 (3)
- (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator
in the Legislature, it shall be filled for the unexpired term at the next regular general election.
- 724 (b) The governor shall fill the vacancy until the next regular general election by immediately appointing
the person whose name was submitted by the party liaison of the same political party as the prior
senator.
- 727 (4)
- (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of
an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
- 730 (i) establish a date and time, which is before the date for a candidate to be certified for the ballot
under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred,
by which a person intending to obtain a position on the ballot for the vacant office shall file:
- 734 (A) a declaration of candidacy; or
- 735 (B) a certificate of nomination; and
- 736 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 737 (A) on the lieutenant governor's website; and
- 738 (B) to each registered political party.
- 739 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 740 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or
certificate of nomination according to the procedures and requirements of Chapter 9, Candidate
Qualifications and Nominating Procedures; and
- 744 (ii) run in the regular general election if:
- 745 (A) nominated as a party candidate; or
- 746 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and
Nominating Procedures.

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- 748 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection
20A-9-202(1)(b) and before August 31, of an even-numbered year in which the term of office
does not expire, a party liaison from each registered political party may submit a name of a person
described in Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for
placement on the regular general election ballot.
- 754 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered
year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by
immediately appointing the person whose name was submitted by the party liaison of the same
political party as the prior senator.
- 758 (6)
- (a) Except as provided in Subsection (6)(b), a person seeking appointment to fill a vacancy described in
this section shall, no later than the deadline for the person to file an interim report under Subsection
20A-11-303(3)(a), make a complete conflict of interest disclosure on the website described in
Section 20A-11-1602.5.
- 762 (b) A person described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the
person:
- 764 (i)
- (A) currently holds the office of senator and is seeking appointment as a representative; or
- 766 (B) currently holds the office of representative and is seeking appointment as a senator;
- 768 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection
(6)(b)(i), in accordance with Section 20A-11-1604; and
- 770 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written statement, that the
conflict of interest disclosure described in Subsection (6)(b)(ii) is updated and accurate as of the
date of the written statement.
- 773 (7) The lieutenant governor shall make each conflict of interest disclosure made by a person described
in Subsection (6)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).
- 776 (8) A vacancy in the office of senator or representative of the Legislature does not occur unless the
senator or representative:
- 778 (a) has left the office; or
- 779 (b) submits an irrevocable letter of resignation to:
- 780 (i) for a senator, the president of the Senate; or

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- 781 (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, state**
auditor, State Board of Education member, and lieutenant governor.
- 785 (1)
- (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor,
or State Board of Education member, the vacancy shall be filled for the unexpired term at the next
regular general election.
- 788 (b) The governor shall fill the vacancy until the next regular general election by:
- 789 (i) appointing a person who meets the qualifications for the office from three persons nominated by the
state central committee of the same political party as the prior officeholder; or
- 792 (ii) for a State Board of Education vacancy, if the individual who is being replaced:
- 793 (A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and
consent of the Senate, an individual who meets the qualifications and residency requirements for
filling the vacancy described in Section 20A-14-103;
- 797 (B) was elected at a partisan State Board of Education election, but is not a member of a political party,
by appointing, with the advice and consent of the Senate, an individual who meets the qualifications
and residency requirements for filling the vacancy described in Section 20A-14-103; or
- 801 (C) was elected at a partisan State Board of Education election, and is a member of a political party, by
appointing an individual who meets the qualifications for the office from three persons nominated
by the state central committee of the same political party as the prior officeholder.
- 805 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and
consent of the Senate, appoint a person to hold the office until the next regular general election at
which the governor stands for election.
- 808 (3)
- (a) Except as provided in Subsection (3)(b), a person seeking appointment to fill a vacancy described in
this section shall make a complete conflict of interest disclosure on the website described in Section
20A-11-1602.5:
- 811 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer, or state
auditor, no later than the deadline for the person to file an interim report under Subsection
20A-11-204(3)(a); or

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- 814 (ii) for a vacancy in the office of State Board of Education member, no later than the deadline for
817 the person to file an interim report under Subsection 20A-11-1303(2)(a).
- 819 (b) A person described in Subsection (3)(a) is not required to comply with Subsection (3)(a) if the
820 person:
- 822 (i) currently holds an office described in Subsection (1)(a) or (2);
825 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection
828 (3)(b)(i), in accordance with Section 20A-11-1604; and
- 830 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written statement, that the
833 conflict of interest disclosure described in Subsection (3)(b)(ii) is updated and accurate as of the
836 date of the written statement.
- 839 (4) The lieutenant governor shall make each conflict of interest disclosure made by a person described
842 in Subsection (3)(a) available for public inspection in accordance with Subsection 20A-11-1603(4).
- 845 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the person
848 occupying the office:
- 851 (a) has left the office; or
854 (b) submits an irrevocable letter of resignation {of} to the governor.
- 857 Section 9. Section **20A-1-508** is amended to read:
- 860 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim**
863 **replacement.**
- 866 (1) As used in this section:
- 869 (a)
- 872 (i) "County offices" includes the county executive, members of the county legislative body, the county
875 treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county
878 surveyor, and the county assessor.
- 881 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
- 884 (b) "Party liaison" means the political party officer designated to serve as a liaison with each county
887 legislative body on all matters relating to the political party's relationship with a county as required
890 by Section 20A-8-401.
- 893 (2)

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- (a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), the following shall temporarily discharge the duties of the county office as a temporary manager:
- 848 (i) for a county office with one chief deputy, the chief deputy;
- 849 (ii) for a county office with more than one chief deputy:
- 850 (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- 852 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or
- 857 (iii) for a county office without a chief deputy:
- 858 (A) if one management-level employee serving under the county office has a higher-seniority management level than any other employee serving under the county office, that management-level employee;
- 861 (B) if two or more management-level employees serving under the county office have the same and highest-seniority management level, the highest-seniority management-level employee with the most cumulative time served in the employee's current position; or
- 865 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's employees to discharge the county officer's duties in the event the county officer vacates the office, the designated employee.
- 870 (b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers and duties of the county office until the county legislative body appoints an interim replacement under Subsection (3).
- 874 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a county office:
- 876 (i) may not take an oath of office for the county office as a temporary manager;
- 877 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, and the county's budget ordinances and policies;
- 879 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 881

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- (iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;
- 883 (v) may terminate an employee only if the termination is conducted in accordance with:
- 885 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the county legislative
body; and
- 887 (B) applicable law;
- 888 (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure
that was planned before the county office for which the temporary manager discharges duties was
vacated;
- 891 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation;
and
- 893 (viii) if approved by the county legislative body, may receive a performance award after:
- 895 (A) the county legislative body appoints an interim replacement under Subsection (3); and
- 897 (B) the interim replacement is sworn into office.
- 898 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 900 (3)
- (a) Until a replacement is selected as provided in this section and has qualified, the county legislative
body shall appoint an interim replacement to fill the vacant office by following the procedures and
requirements of this Subsection (3).
- 903 (b)
- (i) To appoint an interim replacement, the county legislative body shall, within 10 days after the day on
which the vacancy occurs, give notice of the vacancy to:
- 905 (A) the county clerk; and
- 906 (B) the party liaison of the same political party of the prior office holder~~and~~ .
- 907 (ii) ~~invite that party liaison~~ The county legislative body shall invite the party liaison described in
Subsection (3)(b)(i)(B) to submit the name of an individual to fill the vacancy.
- 910 ~~[(ii)] (iii) [That party liaison]~~ The party liaison shall, before 5 p.m. within 30 days after the day on
which the party liaison receives the notice described in Subsection (3)(b)(i)(~~B~~), or if the party liaison
does not receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs,
submit to the county legislative body the name of an individual the party selects in accordance with
the party's constitution or bylaws to serve as the interim replacement.

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- 916 [(iii)] (iv) The county legislative body shall, no later than five days after the day on which a party
liaison submits the name of the individual to serve as the interim replacement, appoint the individual
to serve out the unexpired term.
- 919 (c)
- (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in
accordance with Subsection [~~(3)(b)(iii)~~] (3)(b)(iv), the county clerk shall, no later than five days
after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter that:
- 923 (A) informs the governor that the county legislative body has failed to appoint a replacement within
the statutory time period; and
- 925 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- 927 (ii) The governor shall, within 10 days after the day on which the governor receives the letter described
in Subsection (3)(c)(i), appoint the individual named by the party liaison as an interim replacement
to fill the vacancy.
- 930 (d) An individual appointed as interim replacement under this Subsection (3) shall hold office until a
successor is elected and has qualified.
- 932 (4)
- (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:
- 934 (i) the vacant office has an unexpired term of two years or more; and
- 935 (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first
day of the declaration of candidacy filing period described in Section 20A-9-201.5.
- 938 (b)
- (i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as
practicable, but no later than 180 days before the next regular general election, notify the public and
each registered political party that the vacancy exists.
- 942 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of
candidacy in accordance with:
- 944 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 946 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
- 948 (iii) An individual who is nominated as a party candidate, who qualifies as an unaffiliated candidate for
the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as

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a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

- 953 (5)
- (a) The requirements of this Subsection (5) apply to all county offices that become vacant if:
- 955 (i) the vacant office has an unexpired term of two years or more; and
- 956 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 days before the regular primary election.
- 959 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 days before the next regular primary election, notify the public and each registered political party:
- 962 (i) that the vacancy exists; and
- 963 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)(d)(ii).
- 965 (c)
- (i) An individual intending to become a party candidate for a vacant office shall, within five days after the day on which the notice is given, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:
- 969 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 971 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if applicable.
- 973 (ii) The county central committee of each party shall:
- 974 (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
- 976 (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but before 5 p.m. no later than 60 days before the day of the regular primary election.
- 979 (d)
- (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a vacant office who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 984 (ii)

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- (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is before 5 p.m. no later than 65 days before the day of the next regular general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection (5)(d)(i).
- 989 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
- 992 (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- 997 (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
- 999 (i) if the vacant office has an unexpired term of two years or more; and
- 1000 (ii) when 75 days or less remain before the day of the regular primary election but more than 65 days remain before the day of the regular general election.
- 1002 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as practicable, notify the public and each registered political party:
- 1004 (i) that the vacancy exists; and
- 1005 (ii) of the deadlines established under Subsection (6)(d).
- 1006 (c)
- (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county central committee of each registered political party that wishes to submit a candidate for the office shall certify the name of one candidate to the county clerk for placement on the regular general election ballot.
- 1010 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 1015 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of candidacy described in Section 20A-9-601.

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- 1018 (d)
- (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are before 5 p.m. no later than 65 days before the day of the next regular general election by which:
- 1021 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);
- 1023 (B) an individual who does not wish to affiliate with a registered political party is required to submit a certificate of nomination under Subsection (6)(c)(ii); and
- 1025 (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c)(iii).
- 1027 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general election ballot.
- 1030 (e) An individual who is certified as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- 1035 (7)
- (a) The requirements of this Subsection (7) apply to all county offices that become vacant:
- 1037 (i) if the vacant office has an unexpired term of less than two years; or
- 1038 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less remain before the day of the next regular general election.
- 1040 (b)
- (i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 days after the day on which the vacancy occurs, give notice of the vacancy to:
- 1043 (A) the county clerk; and
- 1044 (B) the party liaison of the same political party as the prior office holder~~[and]~~ .
- 1045 (ii) ~~[invite that party liaison]~~ The county legislative body shall invite the party liaison described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the vacancy.
- 1048 ~~[(i)]~~ (iii) ~~[That party liaison]~~ The party liaison shall, before 5 p.m. within 30 days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i)(B), or if the party liaison

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does not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.

1053 ~~[(iii)]~~ (iv) The county legislative body shall, no later than five days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.

1056 (c)

(i) If the county legislative body fails to appoint an individual to fill the vacancy in accordance with Subsection ~~[(7)(b)(iii)]~~ (7)(b)(iv), the county clerk shall send to the governor a letter that:

1059 (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and

1061 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.

1063 (ii) The governor shall, within 10 days after the day on which the governor receives the letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the vacancy.

1066 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.

1068 (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

1071 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.

1074 (10)

(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.

1077 (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.

1079 (11)

(a) Except as provided in Subsection (11)(b), for a person seeking appointment to fill a vacancy described in Subsection (3) or (7){-} the person shall, no later than the deadline for the person to file a financial report under Section 17-16-6.5:

1082 (i) complete a conflict of interest disclosure statement in accordance with Section 17-16-1.5; and

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

1086 (b) A person described in Subsection (11)(a) is not required to comply with Subsection (11)(a) if the person:

1088 (i) currently holds an office described in Subsection (1)(a)(i);

1089 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (11)(b)(i), in accordance with Section 17-16a-13; and

1092 (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written notice submitted to the county clerk, that the conflict of interest disclosure statement described in Subsection (11)(b)(ii) is updated and accurate as of the date of the written notice.

1096 (12)

(a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (11)(a) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body:

1100 (i) appoints an interim replacement under Subsection (3); or

1101 (ii) appoints a person to fill a vacancy under Subsection (7).

1102 (b) The county clerk shall post the electronic statement described in Subsection (12)(a) no later than two business days after the day on which the county clerk receives the statement.

1105 (13) A vacancy in a county office does not occur unless the person occupying the office:

1106 (a) has left the office; or

1107 (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 or more attorneys.**

1111 (1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

1115 (2)

(a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:

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- 1117 (i) the vacant office has an unexpired term of two years or more; and
1118 (ii) the vacancy occurs before the first day of the declaration of candidacy filing period described in
Section 20A-9-201.5.
- 1120 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public
and each registered political party that the vacancy exists.
- 1122 (c) All persons intending to become candidates for the vacant office shall:
- 1123 (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2,
Candidate Qualifications and Declarations of Candidacy;
- 1125 (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter
9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and
- 1128 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1129 (d) If the vacancy occurs during the declaration of candidacy filing period described in Section
20A-9-201.5:
- 1131 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m.
seven days after the last day of the filing period described in Section 20A-9-201.5; and
- 1134 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- 1136 (3)
- (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney
becomes vacant and:
- 1138 (i) the vacant office has an unexpired term of two years or more; and
- 1139 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than
75 days before the regular primary election.
- 1141 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1142 (i) notify the public and each registered political party that the vacancy exists; and
- 1143 (ii) identify the date and time by which a person interested in becoming a candidate shall file a
declaration of candidacy.
- 1145 (c) All persons intending to become candidates for the vacant office shall:
- 1146 (i) before 5 p.m. within five days after the day on which the county clerk gives the notice described in
Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as required by Chapter 9,
Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 1150 (ii) if elected, complete the unexpired term of the person who created the vacancy.

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- 1151 (d) The county central committee of each party shall:
- 1152 (i) select a candidate or candidates from among those qualified candidates who have filed declarations
of candidacy; and
- 1154 (ii) certify the name of the candidate or candidates to the county clerk:
- 1155 (A) before 5 p.m. no later than 60 days before the day of the regular primary election; or
- 1157 (B) electronically, before midnight no later than 60 days before the day of the regular primary election.
- 1159 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney
becomes vacant and:
- 1161 (i) the vacant office has an unexpired term of two years or more; and
- 1162 (ii) 75 days or less remain before the regular primary election but more than 65 days remain before
the regular general election.
- 1164 (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each
registered political party that [~~wish~~] wishes to submit a candidate for the office shall, not later than
five days after the day on which the vacancy occurs, certify the name of one candidate to the county
clerk for placement on the regular general election ballot.
- 1169 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 1171 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney
becomes vacant and:
- 1173 (i) the vacant office has an unexpired term of less than two years; or
- 1174 (ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before
the next regular general election.
- 1176 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give
notice of the vacancy to:
- 1178 (i) the county clerk; and
- 1179 (ii) the county central committee of the same political party of the prior officeholder~~[-and]~~ .
- 1181 (c) [~~invite that committee~~] The county legislative body shall invite the committee described in
Subsection (5)(b)(ii) to submit the names of three nominees to fill the vacancy.
- 1184

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~~[(e)]~~ (d) ~~[That]~~ The county central committee shall, within 30 days after the day on which the county legislative body gives the notice described in Subsection (5)(b)(ii), submit to the county legislative body the names of three nominees to fill the vacancy.

1187 ~~[(d)]~~ (e) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

1189 ~~[(e)]~~ (f) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

1191 (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

1193 (ii) contains the list of nominees submitted by the party central committee.

1194 ~~[(f)]~~ (g) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.

1196 ~~[(g)]~~ (h) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.

1198 (6) A person seeking appointment to fill a vacancy described in Subsection (5)(a) shall, no later than the deadline for the person to file a financial report under Section 17-16-6.5:

1200 (a) complete a conflict of interest disclosure statement in accordance with Section 17-16-1.5; and

1202 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.

1204 (7)

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

1208 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.

1211 (8) A vacancy in the office described in Subsection (1) does not occur unless the person occupying the office:

1213 (a) has left the office; or

1214 (b) submits an irrevocable letter of resignation to the county legislative body.

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~~[(6)]~~ (9) Nothing in this section prevents or prohibits independent candidates from filing a 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 15 attorneys.**

1220 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

1225 (2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

1228 (a) informs the attorney of the vacancy;

1229 (b) invites the attorney to apply for the vacancy; and

1230 (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

1233 (3)

(a)

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

1239 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

1241 (b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body before 5 p.m. within 20 days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).

1245 (c) The county legislative body shall appoint one of the nominees to fill the vacant position.

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

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- (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall:
- 1281 (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
- 1283 (ii) provide the governor with a list of all the applicants.
- 1284 (d) The governor shall appoint a person to fill the vacancy within 30 days after the day on which the governor receives the notification.
- 1286 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.
- 1288 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the deadline for the person to file a financial report under Section 17-16-6.5:
- 1290 (a) complete a conflict of interest disclosure statement in accordance with Section 17-16-1.5; and
- 1292 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 1294 (7)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.
- 1298 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.
- 1301 (8) A vacancy in the office described in Subsection (1) does not occur until the person occupying the office:
- 1303 (a) has left the office; or
- 1304 (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.**
- 1307 (1)
- (a) As used in this section:
- 1308 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined in Section 20A-1-102.

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- 1310 (ii) "Vacancy," if due to resignation, occurs~~[-on the effective date of the resignation.]~~ :
- 1311 (A) for a municipal executive, on the effective date of an irrevocable letter of resignation submitted by
the municipal executive to the municipal legislative body; or
- 1314 (B) for a member of a municipal legislative body, on the effective date of an irrevocable letter of
resignation submitted by the member to the municipal legislative body.
- 1317 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of municipal
executive or member of a municipal legislative body, the municipal legislative body shall, within
30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the
municipality who meets the qualifications for office described in Section 10-3-301 to fill the
unexpired term of the vacated office.
- 1322 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1323 (i) immediately notify the municipal recorder or clerk;
- 1324 (ii) give public notice of the vacancy at least 14 calendar days before the day on which the municipal
legislative body meets to fill the vacancy;
- 1326 ~~[(ii)]~~ (iii) identify, in the notice:
- 1327 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1328 (B) the person to whom an individual interested in being appointed to fill the vacancy may submit the
interested individual's name for consideration; and
- 1330 (C) the deadline for submitting an interested individual's name; and
- 1331 ~~[(iii)]~~ (iv) in an open meeting, interview each individual whose name is submitted for consideration, and
who meets the qualifications for office, regarding the individual's qualifications.
- 1334 (d)
- (i) The municipal legislative body shall take an initial vote to fill the vacancy from among the names of
the candidates interviewed under Subsection ~~[(1)(e)(iii)]~~ (1)(c)(iv).
- 1337 (ii)
- (A) If no candidate receives a majority vote of the municipal legislative body in the initial vote
described in Subsection (1)(d)(i), the two candidates that received the most votes in the initial vote,
as determined by the tie-breaking procedures described in Subsections (1)(d)(ii)(B) through (D) if
necessary, shall be placed before the municipal legislative body for a second vote to fill the vacancy.
- 1343 (B) If the initial vote results in a tie for second place, the candidates tied for second place shall be
reduced to one by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second

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vote described in Subsection (1)(d)(ii)(A) shall be between the candidate that received the most votes in the initial vote and the candidate that wins the coin toss described in this Subsection (1)(d)(ii)(B).

- 1349 (C) If the initial vote results in a tie among three or more candidates for first place, the candidates tied for first place shall be reduced to two by a coin toss conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the two candidates that remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1354 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the municipal clerk or recorder in the presence of the municipal legislative body.
- 1356 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate receives a majority vote of the municipal legislative body, the vacancy shall be determined by a coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).
- 1360 (e) If the municipal legislative body does not timely comply with Subsections (1)(b) through (d), the municipal clerk or recorder shall immediately notify the lieutenant governor.
- 1363 (f) After receiving notice that a municipal legislative body has failed to timely comply with Subsections (1)(b) through (d), the lieutenant governor shall:
- 1365 (i) notify the municipal legislative body of the violation; and
- 1366 (ii) direct the municipal legislative body to, within 30 calendar days after the day on which the lieutenant governor provides the notice described in this Subsection (1)(f), appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).
- 1370 (g) If the municipality fails to timely comply with a directive described in Subsection (1)(f):
- 1372 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill the vacancy; and
- 1374 (ii) the governor shall, within 45 days after the day on which the governor receives the notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.
- 1378 (2)
- (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:
- 1381 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
- 1384

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

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- 1415 (c) A member of a municipal legislative body may not vote on an appointment under this section for
himself or herself to fill a vacancy in the municipal legislative body.
- 1417 (5) In a municipality operating under the council-mayor form of government, the mayor may not:
- 1419 (a) participate in the vote to fill a vacancy;
- 1420 (b) veto a decision of the council to fill a vacancy; or
- 1421 (c) vote in the case of a tie.
- 1422 (6) A mayor whose resignation from the municipal legislative body is due to election or appointment as
mayor may, in the case of a tie, participate in the vote under this section.
- 1424 (7) A municipal legislative body may, consistent with the provisions of state law, adopt procedures
governing the appointment, interview, and voting process for filling vacancies in municipal offices.
- 1427 (8)
- (a) Except as provided in Subsection (8)(b), a person seeking appointment to fill a vacancy under this
section shall, no later than the deadline for the person to file a campaign finance statement under
Section 10-3-208:
- 1430 (i) complete a conflict of interest disclosure statement in accordance with Section 10-3-301.5; and
- 1432 (ii) submit the conflict of interest disclosure statement to the municipal legislative body and the
municipal clerk or recorder.
- 1434 (b) A person described in Subsection (8)(a) is not required to comply with Subsection (8)(a) if the
person:
- 1436 (i) currently holds an office described in Subsection (1)(b);
- 1437 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in
Subsection (8)(b)(i), in accordance with Section 10-3-1313; and
- 1439 (iii) no later than the deadline described in Subsection (8)(a), indicates, in a written notice submitted
to the municipal clerk or recorder, that the conflict of interest disclosure statement described in
Subsection (8)(b)(ii) is updated and accurate as of the date of the written notice.
- 1443 (9)
- (a) The municipal clerk or recorder shall make each conflict of interest disclosure statement made by a
person described in Subsection (8)(a) available for public inspection by posting an electronic copy
of the statement on:
- 1446 (i) the municipality's website; or
- 1447

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(ii) if the municipality does not have a website, on the website of the county in which the municipality is located.

1449 (b) The municipal clerk or recorder shall:

1450 (i) post the electronic statement described in Subsection (9)(a) no later than two business days after the day on which the municipal recorder or clerk receives the statement; and

1453 (ii) ensure that the electronic statement remains posted on the website described in Subsection (9)(a) for at least 10 calendar days after the day on which the municipal legislative body appoints a person 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.**

1458 (1)

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

1460 (b) The county legislative body, or municipal legislative body in a city district, shall fill a vacancy on a local school board by appointment if the local school board fails to make an appointment to fill the vacancy:

1463 (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs on the local school board; or

1465 (ii) within 45 days after a vacancy occurs on the local school board due to the death of a local school board member.

1467 (c) A member appointed and qualified under this Subsection (1) shall serve until a successor is elected or appointed and qualified.

1469 (2)

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

1471 (i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

1473 (ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

1475 (b) A member elected under this Subsection (2) shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

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- 1477 (3) Before appointing an individual to fill a vacancy under this section, the local school board shall:
- 1479 (a) immediately notify the county clerk;
- 1480 [~~(a)~~] (b) give public notice of the vacancy at least two weeks before the local school board meets to fill
the vacancy;
- 1482 [~~(b)~~] (c) identify, in the public notice:
- 1483 (i) the date, time, and place of the meeting where the vacancy will be filled; and
- 1484 (ii) the person to whom and the date and time before which an individual interested in being appointed
to fill the vacancy may submit the individual's name for consideration; and
- 1487 [~~(c)~~] (d) in an open meeting, interview each individual whose name is submitted for consideration and
who meets the qualifications for office, regarding the individual's qualifications.
- 1490 (4)
- (a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy
described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board
submits a letter of resignation.
- 1493 (b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on
which the vacancy occurs for which the individual is appointed.
- 1495 (c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may
not rescind the resignation after the local school board makes an appointment to fill the vacancy
created by the resignation.
- 1498 (5) A person seeking appointment to fill a vacancy on a local school board shall, no later than the
deadline for the person to file a financial report under Section 17-16-6.5:
- 1500 (a) complete a conflict of interest disclosure statement in accordance with Section 17-16-1.5; and
- 1502 (b) submit the conflict of interest disclosure statement to the county legislative body and the county
clerk.
- 1504 (6)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person
described in Subsection (5) available for public inspection by posting an electronic copy of the
statement on the county's website for at least 10 calendar days after the day on which the county
legislative body appoints a person to fill the vacancy.
- 1508 (b) The county clerk shall post the electronic statement described in Subsection (6)(a) no later than two
business days after the day on which the county clerk receives the statement.

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

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

As used in this chapter:

1514 (1) "Continuing political party" means an organization of voters that:

1515 (a) participated in the last regular general election; and

1516 (b) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election.

1520 (2) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the county political party, are members of the registered political party.

1523 (3) "Legislative office" means the office of state senator or state representative.

1524 [~~(3)~~] (4) "Newly registered political party" means a statewide organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

1527 [~~(4)~~] (5) "Public institution of higher education" means the same as that term is defined in Section 53B-16-301.

1529 [~~(5)~~] (6) "Registered political party" means an organization of voters that:

1530 (a)

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

1531 (ii) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election; or

1535 (b) has complied with the petition and organizing procedures of this chapter.

1536 (7) "State office" means the {~~offices~~} ~~office~~ of governor, lieutenant governor, attorney general, state auditor, state treasurer, or state school board member.

1538 [~~(6)~~] (8) "State political party" means, for each registered political party, all of the persons in Utah who, under definitions established by the state political party, are members of the registered political party.

1545 Section 15. Section **15** is enacted to read:

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

1544

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

1548 (a) notify the lieutenant governor of the date, time, and location of the meeting, if the vacated office is a state office or legislative office; or

1550 (b) notify the county clerk, if the vacated office is a county office.

1551 (2) If, after providing the notice described in Subsection (1), a registered political party changes the date, time, or location of the meeting, the registered political party shall notify the election officer of the change before 5 p.m. no later than one business day after the day on which the registered political party makes the change described in this 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 submission -- Public availability -- Notice of reporting and filing requirements.**

1559 (1)

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

1563 (i) that the financial statement is due;

1564 (ii) of the date that the financial statement is due; and

1565 (iii) of the penalty for failing to file the financial statement.

1566 (b) The chief election officer is not required to provide notice:

1567 (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;

1569 (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

1571 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

1572 (2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

1574 (3)

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- (a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.
- 1577 (b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.
- 1581 (c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.
- 1584 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:
- 1586 (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- 1588 (b) post on a website established by the lieutenant governor:
- 1589 (i) an electronic copy or the contents of each summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date on which the summary report or interim report is electronically filed; or
- 1593 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208, for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or county website that hosts the campaign finance statement, no later than seven business days after the date on which the lieutenant governor receives the link from:
- 1598 (A) the municipal clerk or recorder, in accordance with Subsection [~~10-3-208(10)(b)(ii)~~] 10-3-208(11)(b)(ii); or
- 1600 (B) the county clerk, in accordance with Subsection [~~17-16-6.5(18)(b)(ii)~~] 17-16-6.5(21)(b)(ii).
- 1602 (5) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.
- 1610 Section 17. Section **20A-11-204** is amended to read:
- 1611 **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements**
- Interim reports. <compare mode="add">(Compare Error)</compare>
- 1609 (1) As used in this section:

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- 1610 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)
1611 (a) or (c).
- 1612 (b) "Received" means:
- 1613 (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state
1614 office candidate's personal campaign committee;
- 1615 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is
1616 negotiated;
- 1617 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign,
1618 the earlier of:
- 1619 (A) the day on which the state office candidate or a member of the state office candidate's personal
1620 campaign committee becomes aware of the deposit and the source of the deposit;
- 1622 (B) the day on which the state office candidate or a member of the state office candidate's personal
1623 campaign committee receives notice of the deposit and the source of the deposit by mail, email, text,
1624 or similar means; or
- 1625 (C) 31 days after the day on which the direct deposit occurs; or
- 1626 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state
1627 office candidate.
- 1628 (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the
1629 following times in any year in which the candidate has filed a declaration of candidacy for a public
1630 office:
- 1631 (a)
- 1632 (i) seven days before the candidate's political convention; or
- 1633 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 1634 (b) seven days before the regular primary election date;
- 1635 (c) September 30; and
- 1636 (d) seven days before the regular general election date.
- 1637 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the
1638 state office candidate:
- 1639 (a) shall file an interim report:

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

- 1642 [(i)
- (A) ~~no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; and]~~
- 1646 [(B) ~~two days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or]~~
- 1649 (ii) if a state office candidate decides to seek the appointment with less than ~~[seven]~~ three business days before the day on which the political party meets, or the political party schedules the meeting to declare a nominee less than ~~[seven]~~ three days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party meets; and
- 1654 (b) is not required to file an interim report at the times described in Subsection ~~[(1)]~~ (2).
- 1655 (4) Each interim report shall include the following information:
- 1656 (a) the net balance of the last summary report, if any;
- 1657 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 1659 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 1661 (d) a detailed listing of:
- 1662 (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 1664 (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 1667 (e) for each nonmonetary contribution:
- 1668 (i) the fair market value of the contribution with that information provided by the contributor; and
- 1670 (ii) a specific description of the contribution;
- 1671 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

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- 1673 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1674 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 1677 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1678 (i) beginning balance;
- 1679 (ii) total contributions and public service assistance received during the period since the last statement;
- 1681 (iii) total contributions and public service assistance received to date;
- 1682 (iv) total expenditures during the period since the last statement; and
- 1683 (v) total expenditures to date; and
- 1684 (j) the name of a political action committee for which the state office candidate or state officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 1687 (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
- 1689 (b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.
- 1700 Section 18. Section **20A-11-303** is amended to read:
- 1701 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial reporting requirements -- Interim reports.**
- 1703 (1) As used in this section:
- 1704 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-301(1) (a)(i) or (c)(i).
- 1706 (b) "Received" means:
- 1707 (i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the legislative office candidate's personal campaign committee;
- 1709 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;
- 1711 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

1713

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- 1716 (A) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;
- 1720 (B) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or
- 1721 (C) 31 days after the day on which the direct deposit occurs; or
- 1723 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.
- 1726 (2) Except as provided in Subsection (3), each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
- 1727 (a)
- 1728 (i) seven days before the candidate's political convention; or
- 1729 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 1730 (b) seven days before the regular primary election date;
- 1731 (c) September 30; and
- 1733 (d) seven days before the regular general election date.
- 1734 (3) If a legislative office candidate is a legislative office candidate seeking appointment for a midterm vacancy, the legislative office candidate:
- 1737 (a) shall file an interim report:
- 1741 (i) no later than three business days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; or
- 1744 [(i)
- ~~(A) seven days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; and]~~
- ~~[(B) two days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; or]~~

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- [~~(ii) if the legislative office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, two days before the day on which the party meets; and]~~
- 1748 (ii) if the legislative office candidate decides to seek the appointment with less than three business days before the day on which the political party meets, or the political party schedules the meeting to declare a nominee less than three business days before the day of the meeting, two business days before the day on which the political party meets; and
- 1753 (b) is not required to file an interim report at the times described in Subsection [~~(2)(a)~~] (2).
- 1754 (4) Each interim report shall include the following information:
- 1755 (a) the net balance of the last summary report, if any;
- 1756 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 1758 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 1760 (d) a detailed listing of:
- 1761 (i) for a legislative office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 1763 (ii) for a legislative officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 1766 (e) for each nonmonetary contribution:
- 1767 (i) the fair market value of the contribution with that information provided by the contributor; and
- 1769 (ii) a specific description of the contribution;
- 1770 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 1772 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1773 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 1776 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1777 (i) beginning balance;
- 1778 (ii) total contributions and public service assistance received during the period since the last statement;
- 1780 (iii) total contributions and public service assistance received to date;

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- 1781 (iv) total expenditures during the period since the last statement; and
1782 (v) total expenditures to date; and
1783 (j) the name of a political action committee for which the legislative office candidate or legislative
officeholder is designated as an officer who has primary decision-making authority under Section
20A-11-601.
- 1786 (5)
(a) In preparing each interim report, all receipts and expenditures shall be reported as of five days
before the required filing date of the report.
- 1788 (b) Any negotiable instrument or check received by a legislative office candidate or legislative
officeholder more than five days before the required filing date of a report required by this section
shall be included in the interim report.
- 1791 Section 19. Section **20A-11-1303** is amended to read:
1792 **20A-11-1303. School board office candidate and school board officeholder -- Financial
reporting requirements -- Interim reports.**
- 1782 (1)
(a) As used in this section, "received" means:
- 1783 (i) for a cash contribution, that the cash is given to a school board office candidate or a member of
the school board office candidate's personal campaign committee;
1785 (ii) for a contribution that is a check or other negotiable instrument, that the check or other
negotiable instrument is negotiated;
1787 (iii) for a direct deposit made into a campaign account by a person not associated with the
campaign, the earlier of:
- 1789 (A) the day on which the school board office candidate or a member of the school board office
candidate's personal campaign committee becomes aware of the deposit and the source of the
deposit;
1792 (B) the day on which the school board office candidate or a member of the school board office
candidate's personal campaign committee receives notice of the deposit and the source of the deposit
by mail, email, text, or similar means; or
1795 (C) 31 days after the day on which the direct deposit occurs; or
1796 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the
school board office candidate.

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- 1798 (b) As used in this Subsection (1), "campaign account" means a separate campaign account required
under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 1800 (c) ~~[Each]~~ Except as provided in Subsection (2), each school board office candidate shall file an interim
report at the following times in any year in which the candidate has filed a declaration of candidacy
for a public office:
- 1803 (i) May 15;
- 1804 (ii) seven days before the regular primary election date;
- 1805 (iii) September 30; and
- 1806 (iv) seven days before the regular general election date.
- 1807 (2) If a school board office candidate is a school board office candidate seeking appointment for a
midterm vacancy, the school board office candidate:
- 1809 (a) shall file an interim report:
- 1810 (i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later than three business
days before the day on which the Senate meets to consider the school board office candidate's
nomination; or
- 1813 (ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):
- 1814 (A) no later than three business days before the day on which the political party of the party for which
the school board office candidate seeks nomination meets to declare a nominee for the governor to
appoint; or
- 1817 (B) if the school board office candidate decides to seek the appointment with less than three business
days before the day on which the political party meets, or the political party schedules the meeting
to declare a nominee less than three **business** days before the day of the meeting, no later than 5 p.m.
on the last day of business before the day on which the political party meets; and
- 1822 (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 1823 ~~[(2)]~~ (3) Each interim report shall include the following information:
- 1824 (a) the net balance of the last summary report, if any;
- 1825 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,
during the calendar year in which the interim report is due;
- 1827 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,
filed during the calendar year in which the interim report is due;
- 1829 (d) a detailed listing of:

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- 1830 (i) for a school board office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 1832 (ii) for a school board officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 1835 (e) for each nonmonetary contribution:
- 1836 (i) the fair market value of the contribution with that information provided by the contributor; and
- 1838 (ii) a specific description of the contribution;
- 1839 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 1841 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1842 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 1845 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1846 (i) beginning balance;
- 1847 (ii) total contributions during the period since the last statement;
- 1848 (iii) total contributions to date;
- 1849 (iv) total expenditures during the period since the last statement; and
- 1850 (v) total expenditures to date; and
- 1851 (j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- 1854 [~~(3)~~] (4)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
- 1856 (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.
- 1871 Section 20. Section **20A-11-1604** is amended to read:
- 1872 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**
- 1862 (1)

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- 1868 (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.
- 1873 (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.
- 1878 (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.
- 1880 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
- 1881 (a) on the official record of the action taken, for a state constitutional officer;
- 1883 (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
- 1885 (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.
- 1887 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
- 1888 (a)
- 1890 (i) no sooner than January 1 each year, and before January 11 each year; or
- 1891 (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
- 1892 (b) each time the state constitutional officer changes employment.
- 1893 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 1895 (a)
- 1897 (i) no sooner than January 1 each year, and before January 11 each year; or
- 1898 (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and
- 1899 (b) each time the legislator changes employment.

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- 1896 (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on
the website:
- 1898 (a)
- 1899 (i) no sooner than January 1 each year, and before January 11 each year; or
(ii) if the member takes office after January 10, within 10 days after the day on which the member takes
office; and
- 1901 (b) each time the member changes employment.
- 1902 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 1903 (a) the regulated officeholder's name;
- 1904 (b) subject to Subsection (7):
- 1905 (i) 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; and
- 1907 ~~[(e)]~~ (ii) for each employer described in this Subsection (6)(b), a brief description of the employment,
including the regulated officeholder's occupation and, as applicable, job title;
- 1910 ~~[(d)]~~ (c) for each entity in which the regulated officeholder is an owner or officer, or was an owner or
officer during the preceding year:
- 1912 (i) the name of the entity;
- 1913 (ii) a brief description of the type of business or activity conducted by the entity; and
- 1914 (iii) the regulated officeholder's position in the entity;
- 1915 ~~[(e)]~~ (d) 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:
- 1918 (i) the name of the individual or entity; and
- 1919 (ii) a brief description of the type of business or activity conducted by the individual or entity;
- 1921 ~~[(f)]~~ (e) 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:
- 1925 (i) the name of the entity; and
- 1926 (ii) a brief description of the type of business or activity conducted by the entity;
- 1927

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~~[(g)]~~ (f) for each entity not listed in Subsections ~~[(6)(d)]~~ (6)(c) through ~~[(f)]~~ (e) 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:

- 1930 (i) the name of the entity or organization;
- 1931 (ii) a brief description of the type of business or activity conducted by the entity; and
- 1932 (iii) the type of position held by the regulated officeholder;
- 1933 ~~[(h)]~~ (g) 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;
- 1937 (h) subject to Subsection (7):
- 1938 (i) the name of the regulated officeholder's spouse; and
- 1939 (ii) the name of each of the regulated officeholder's spouse's current employers and each of the regulated officeholder's spouse's employers during the preceding year, if the regulated officeholder believes the employment may constitute a conflict of interest;
- 1943 (i) the name of any adult residing in the regulated officeholder's household who is not related to the officeholder by blood;
- 1945 ~~[(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;]~~
- 1948 ~~[(j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);]~~
- 1950 ~~[(k)]~~ (j) ~~[a brief description of the employment and occupation of each adult who:]~~ for each adult described in Subsection (6)(i), a brief description of the adult's employment or occupation, if the regulated officeholder believes the adult's presence in the regulated officeholder's household may constitute a conflict of interest;
- 1954 ~~[(i) resides in the regulated officeholder's household; and]~~
- 1955 ~~[(ii) is not related to the regulated officeholder by blood or marriage;]~~
- 1956 ~~[(h)]~~ (k) 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;
- 1958 ~~[(m)]~~ (l) the date the form was completed;
- 1959

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- 1961 ~~[(n)]~~ (m) a statement that the regulated officeholder believes that the form is true and accurate to the
best of the regulated officeholder's knowledge; and
- 1962 ~~[(o)]~~ (n) the signature of the regulated officeholder.
- (7)
- (a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may request the filing officer to redact from the conflict of interest disclosure:
- 1966 (i) the regulated officeholder's employment information under Subsection (6)(b); and
- 1967 (ii) the regulated officeholder's spouse's name and employment information under Subsection (6)
(h).
- 1969 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact the disclosures made under Subsection (6)(b) or (h) before the filing officer makes the conflict of interest disclosure available for public inspection.
- 1972 ~~[(7)]~~ (8) In making the disclosure described in Subsection ~~[(6)(e)]~~ (6)(d), 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)]~~ (6)(d) 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)]~~ (6)(d) in relation to the regulated officeholder's individual customers or clients.
- 1979 ~~[(8)]~~ (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- 1981 ~~[(9)]~~ (10) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- 1983 ~~[(10)]~~ (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- 1985 ~~[(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.
- 1988

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- (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).

2003 Section 21. Section **36-11-102** is amended to read:

2004 **36-11-102. Definitions.**

As used in this chapter:

1994 (1) "Aggregate daily expenditures" means:

1995 (a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

1998 (b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official;
or

2001 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

2004 (2) "Approved activity" means an event, a tour, or a meeting:

2005 (a)

(i) to which a legislator or another nonexecutive branch public official is invited; and

2007 (ii) attendance at which is approved by:

2008 (A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or

2011 (B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or

2013 (b)

(i) to which a public official who holds a position in the executive branch of state government is invited; and

2015 (ii) attendance at which is approved by the governor or the lieutenant governor.

2016 (3) "Board of education" means:

2017 (a) a local school board described in Title 53G, Chapter 4, School Districts;

2018 (b) the State Board of Education;

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- 2019 (c) the State Charter School Board created under Section 53G-5-201; or
- 2020 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 2021 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 2022 (5)
- (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.
- 2025 (b) "Compensation" includes:
- 2026 (i) a salary or commission;
- 2027 (ii) a bonus;
- 2028 (iii) a benefit;
- 2029 (iv) a contribution to a retirement program or account;
- 2030 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to social security deductions, including a payment in excess of the maximum amount subject to deduction under social security law;
- 2033 (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
- 2035 (vii) income based on an individual's ownership interest.
- 2036 (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:
- 2038 (a) because of the public official's ownership interest in the compensation payor; or
- 2039 (b) for services rendered by the public official on behalf of the compensation payor.
- 2040 (7) "Education action" means:
- 2041 (a) a resolution, policy, or other official action for consideration by a board of education;
- 2042 (b) a nomination or appointment by an education official or a board of education;
- 2043 (c) a vote on an administrative action taken by a vote of a board of education;
- 2044 (d) an adjudicative proceeding over which an education official has direct or indirect control;
- 2046 (e) a purchasing or contracting decision;
- 2047 (f) drafting or making a policy, resolution, or rule;
- 2048 (g) determining a rate or fee; or
- 2049 (h) making an adjudicative decision.

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- 2050 (8) "Education official" means:
- 2051 (a) a member of a board of education;
- 2052 (b) an individual appointed to or employed in a position under a board of education, if that individual:
- 2054 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 2055 (ii) drafts resolutions or policies or drafts or makes rules;
- 2056 (iii) determines rates or fees;
- 2057 (iv) makes decisions relating to an education budget or the expenditure of public money; or
- 2059 (v) makes adjudicative decisions; or
- 2060 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 2061 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.
- 2064 (10) "Executive action" means:
- 2065 (a) a nomination or appointment by the governor;
- 2066 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2068 (c) agency ratemaking proceedings; or
- 2069 (d) an adjudicative proceeding of a state agency.
- 2070 (11)
- (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:
- 2073 (i) a purchase, payment, or distribution;
- 2074 (ii) a loan, gift, or advance;
- 2075 (iii) a deposit, subscription, or forbearance;
- 2076 (iv) services or goods;
- 2077 (v) money;
- 2078 (vi) real property;
- 2079 (vii) a ticket or admission to an event; or
- 2080 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (11)(a)(i) through (vii).
- 2082 (b) "Expenditure" does not mean:

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- 2083 (i) a commercially reasonable loan made in the ordinary course of business;
- 2084 (ii) a campaign contribution:
- 2085 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting
Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under
Subsection [~~10-3-208(6)~~] 10-3-208(7) or 17-16-6.5(1); or
- 2089 (B) lawfully given to a person that is not required to report the contribution under a law or ordinance
described in Subsection (11)(b)(ii)(A);
- 2091 (iii) printed informational material that is related to the performance of the recipient's official duties;
- 2093 (iv) a devise or inheritance;
- 2094 (v) any item listed in Subsection (11)(a) if:
- 2095 (A) given by a relative;
- 2096 (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a
public official;
- 2098 (C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the
aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or
- 2101 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures
do not exceed \$10;
- 2103 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are
invited:
- 2105 (A) all members of the Legislature;
- 2106 (B) all members of a standing or interim committee;
- 2107 (C) all members of an official legislative task force;
- 2108 (D) all members of a party caucus; or
- 2109 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who are attending a
meeting of a national organization whose primary purpose is addressing general legislative policy;
- 2112 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
- 2114 (A) giving a speech at the event, tour, or meeting;
- 2115 (B) participating in a panel discussion at the event, tour, or meeting; or
- 2116 (C) presenting or receiving an award at the event, tour, or meeting;
- 2117 (viii) a plaque, commendation, or award that:
- 2118 (A) is presented in public; and

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- 2119 (B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched,
printed, or otherwise permanently marked on the plaque, commendation, or award;
- 2122 (ix) a gift that:
- 2123 (A) is an item that is not consumable and not perishable;
- 2124 (B) a public official, other than a local official or an education official, accepts on behalf of the state;
- 2126 (C) the public official promptly remits to the state;
- 2127 (D) a property administrator does not reject under Section 63G-23-103;
- 2128 (E) does not constitute a direct benefit to the public official before or after the public official remits the
gift to the state; and
- 2130 (F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift
or benefit to one or more public officials in a manner that would otherwise qualify the gift as an
expenditure if the gift were given directly to a public official;
- 2134 (x) any of the following with a cash value not exceeding \$30:
- 2135 (A) a publication; or
- 2136 (B) a commemorative item;
- 2137 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
- 2139 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial
Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section 17-16-6.5, or an applicable
ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(7) or 17-16-6.5(1);
- 2143 (B) to solicit a campaign contribution that a person is not required to report under a law or ordinance
described in Subsection (11)(b)(xi)(A); or
- 2145 (C) charitable solicitation, as defined in Section 13-22-2;
- 2146 (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
- 2148 (xiii) sponsorship of an approved activity;
- 2149 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to or from an event,
a tour, or a meeting:
- 2151 (A) that is sponsored by a governmental entity;
- 2152 (B) that is widely attended and related to a governmental duty of a public official;
- 2153 (C) for a local official, that is sponsored by an organization that represents only local governments,
including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah
Association of Special Districts; or

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- 2156 (D) for an education official, that is sponsored by a public school, a charter school, or an organization that represents only public schools or charter schools, including the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or
- 2160 (xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to:
- 2162 (A) for a public official who is not a local official or an education official, the state; or
- 2164 (B) for a public official who is a local official or an education official, the local government or board of education to which the public official belongs.
- 2166 (12) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.
- 2169 (13)
- (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.
- 2171 (b) "Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.
- 2174 (14) "Foreign government" means a government other than the government of:
- 2175 (a) the United States;
- 2176 (b) a state within the United States;
- 2177 (c) a territory or possession of the United States; or
- 2178 (d) a political subdivision of the United States.
- 2179 (15)
- (a) "Government officer" means:
- 2180 (i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;
- 2182 (ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;
- 2184 (iii) an individual appointed to fill a vacancy in a position described in Subsection (15)(a)(i) or (ii), when acting in the capacity of the position; or

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- 2186 (iv) an individual appointed to or employed in a full-time position by state government,
local government, or a board of education, when acting in the capacity of the individual's
appointment or employment.
- 2189 (b) "Government officer" does not mean a member of the legislative branch of state government.
- 2191 (16) "Immediate family" means:
- 2192 (a) a spouse;
- 2193 (b) a child residing in the household; or
- 2194 (c) an individual claimed as a dependent for tax purposes.
- 2195 (17) "Legislative action" means:
- 2196 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in
either house of the Legislature or its committees or requested by a legislator; and
- 2199 (b) the action of the governor in approving or vetoing legislation.
- 2200 (18) "Lobbying" means communicating with a public official for the purpose of influencing a
legislative action, executive action, local action, or education action.
- 2202 (19)
- (a) "Lobbyist" means:
- 2203 (i) an individual who is employed by a principal; or
- 2204 (ii) an individual who contracts for economic consideration, other than reimbursement for
reasonable travel expenses, with a principal to lobby a public official.
- 2207 (b) "Lobbyist" does not include:
- 2208 (i) a government officer;
- 2209 (ii) a member or employee of the legislative branch of state government;
- 2210 (iii) a person, including a principal, while appearing at, or providing written comments to, a hearing
conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or Title
63G, Chapter 4, Administrative Procedures Act;
- 2214 (iv) a person participating on or appearing before an advisory or study task force, commission, board,
or committee, constituted by the Legislature, a local government, a board of education, or any
agency or department of state government, except legislative standing, appropriation, or interim
committees;
- 2218 (v) a representative of a political party;
- 2219

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- (vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;
- 2222 (vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative action, executive action, local action, or education action;
- 2226 (viii) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative action, executive action, local action, or education action; or
- 2232 (ix) an individual representing a business, entity, or industry, who:
- 2233 (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and
- 2238 (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.
- 2240 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.
- 2244 (21) "Local action" means:
- 2245 (a) an ordinance or resolution for consideration by a local government;
- 2246 (b) a nomination or appointment by a local official or a local government;
- 2247 (c) a vote on an administrative action taken by a vote of a local government's legislative body;
- 2249 (d) an adjudicative proceeding over which a local official has direct or indirect control;
- 2250 (e) a purchasing or contracting decision;
- 2251 (f) drafting or making a policy, resolution, or rule;
- 2252 (g) determining a rate or fee; or
- 2253 (h) making an adjudicative decision.

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- 2254 (22) "Local government" means:
- 2255 (a) a county, city, or town;
- 2256 (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 2258 (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;
- 2260 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
- 2262 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 2263 (f) a redevelopment agency; or
- 2264 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.
- 2266 (23) "Local official" means:
- 2267 (a) an elected member of a local government;
- 2268 (b) an individual appointed to or employed in a position in a local government if that individual:
- 2270 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 2271 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 2272 (iii) determines rates or fees; or
- 2273 (iv) makes adjudicative decisions; or
- 2274 (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- 2275 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.
- 2277 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.
- 2281 (26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.
- 2283 (27) "Public official" means:
- 2284 (a)
- 2285 (i) a member of the Legislature;
- 2286 (ii) an individual elected to a position in the executive branch of state government; or

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- (iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:
- 2288 (A) occupies a policymaking position or makes purchasing or contracting decisions;
- 2290 (B) drafts legislation or makes rules;
- 2291 (C) determines rates or fees; or
- 2292 (D) makes adjudicative decisions;
- 2293 (b) an immediate family member of a person described in Subsection (27)(a);
- 2294 (c) a local official; or
- 2295 (d) an education official.
- 2296 (28) "Public official type" means a notation to identify whether a public official is:
- 2297 (a)
- (i) a member of the Legislature;
- 2298 (ii) an individual elected to a position in the executive branch of state government;
- 2299 (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
- 2302 (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
- 2305 (v) a local official, including a description of the type of local government for which the individual is a local official; or
- 2307 (vi) an education official, including a description of the type of board of education for which the individual is an education official; or
- 2309 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or (d).
- 2311 (29) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).
- 2313 (30) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- 2315 (31) "Relative" means:
- 2316 (a) a spouse;
- 2317 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
- 2319 (c) a spouse of an individual described in Subsection (31)(b).

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2320 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not
primarily for entertainment, including:

2322 (a) viewing a facility;

2323 (b) viewing the sight of a natural disaster; or

2324 (c) assessing a circumstance in relation to which a public official may need to take action within the
scope of the public official's duties.

2338 Section 22. **Effective date.**

This bill takes effect on May 7, 2025.

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