

Ryan D. Wilcox proposes the following substitute bill:

Elections Office

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Calvin R. Musselman

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses issues relating to Utah's election system.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides for the appointment of a conflict of interest elections officer to act in the place of
9 the lieutenant governor if a complaint or election controversy arises that has any

10 connection to a race for office in which the governor or lieutenant governor is, or seeks
11 to be, a candidate;

12 ▶ describes the terms of service and authority of the conflict of interest elections officer;
13 and

14 ▶ creates the Elections Oversight Task Force and establishes the task force's:

- 15 • membership;
- 16 • duties;
- 17 • reporting requirements; and
- 18 • repeal date.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

26 ENACTS:

27 **20A-1-109**, Utah Code Annotated 1953

28 **36-29-113**, Utah Code Annotated 1953

29

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

31 Section 1. Section **20A-1-109** is enacted to read:

32 **20A-1-109 . Conflict of interest election officer -- Appointment -- Term of service**
33 **-- Duties and authority.**

34 (1) No later than July 1 of the year immediately preceding an even-numbered year in which
35 the governor or lieutenant governor will run for an office, the state board of canvassers
36 shall, after consulting with county clerks in both urban and rural counties, appoint an
37 individual to serve as a conflict of interest election officer.

38 (2) The conflict of interest election officer:

39 (a) shall be an individual who is familiar with state and federal election law and with
40 Utah's election system;

41 (b) may not, while serving as the conflict of interest election officer, be a current elected
42 official or employee of the state or a political subdivision of the state; and

43 (c) shall serve until the day after the day of the statewide canvass for the elections held
44 in the even-numbered year following the conflict of interest election officer's
45 appointment.

46 (3) The conflict of interest election officer has the duty and authority to act in the place of
47 the lieutenant governor if a complaint or election controversy arises that has any
48 connection to a race for office in which the governor or lieutenant governor is, or seeks
49 to be, a candidate.

50 (4) If a dispute arises regarding whether a particular matter falls within the authority of the
51 conflict of interest election officer under this section, the dispute shall be resolved by the
52 state board of canvassers.

53 (5) This section does not authorize the conflict of interest election officer to exercise any
54 authority granted to the lieutenant governor under the Utah Constitution.

55 Section 2. Section **36-29-113** is enacted to read:

56 **36-29-113 . Elections Oversight Task Force.**

57 (1) There is created the Elections Oversight Task Force consisting of the following
58 members:

59 (a) the president of the Senate or the president's designee;

60 (b) the speaker of the House of Representatives or the speaker's designee;

61 (c) the governor or the governor's designee;

62 (d) the attorney general or the attorney general's designee;

63 (e) the state auditor or the state auditor's designee; and

- 64 (f) two county clerks appointed by the Utah Association of Counties.
- 65 (2) The members described in Subsections (1)(a) and (b) shall serve as cochairs of the task
66 force.
- 67 (3)(a) A majority of the members of the task force constitutes a quorum.
- 68 (b) The action of a majority of a quorum constitutes action of the task force.
- 69 (4)(a) Salaries and expenses of the members of the task force who are legislators shall be
70 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter
71 3, Legislator Compensation.
- 72 (b) A member of the task force who is not a legislator:
- 73 (i) may not receive compensation for the member's work associated with the task
74 force; and
- 75 (ii) may receive per diem and reimbursement for travel expenses incurred as a
76 member of the task force at the rates established by the Division of Finance under
77 Sections 63A-3-106 and 63A-3-107.
- 78 (5) The Office of Legislative Research and General Counsel shall provide staff support to
79 the task force.
- 80 (6)(a) The task force shall review and make recommendations for improving the state's
81 current system of election oversight and administration.
- 82 (b) When conducting the review described in Subsection (6)(a) the task force shall
83 analyze:
- 84 (i) the current duties and authority vested in the state's chief election officer under
85 Section 67-1a-2;
- 86 (ii) the potential for conflicts of interest when overseeing a statewide election and
87 ways in which to mitigate the conflicts;
- 88 (iii) applicable federal and state election law and regulations;
- 89 (iv) alternative ways of structuring the state's system of election oversight and
90 administration; and
- 91 (v) any other information related to election oversight and administration that the task
92 force determines to be needed.
- 93 (7) On or before September 1, 2026, the task force shall provide a report to the Government
94 Operations Interim Committee that includes:
- 95 (a) a description of the alternative election oversight structures reviewed and analyzed
96 under Subsection (6);
- 97 (b) a recommendation as to whether any changes to the state's current system of election

98 oversight are warranted; and

99 (c) if the task force recommends a change described in Subsection (7)(b):

100 (i) the changes to state law necessary to implement the change; and

101 (ii) a proposed timeline to effectuate the change.

102 Section 3. Section **63I-2-236** is amended to read:

103 **63I-2-236 . Repeal dates: Title 36.**

104 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
105 July 1, 2025.

106 (2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --
107 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
108 Interim report, is repealed November 30, 2024.

109 (3) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
110 November 30, 2027.

111 (4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
112 November 30, 2024.

113 (5) Section 36-29-113, Elections Oversight Task Force, is repealed July 1, 2027.

114 Section 4. **Effective Date.**

115 This bill takes effect on May 7, 2025.