

Cheryl K. Acton proposes the following substitute bill:

Candidate Disclosure Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

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

10 candidacy;

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

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

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

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

22 ▶ creates deadlines and procedures related to the processes described above; and

23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

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

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

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

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

34 ENACTS:

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

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

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

38

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

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

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

43 (1) As used in this section:

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

47 (b) "Principal place of residence" means the same as that term is defined in Section
48 20A-2-105.

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

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

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

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

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

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

61 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
62 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates

- 63 described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:
- 64 (A) Saturday or Sunday; or
- 65 (B) state holiday as listed in Section 63G-1-301.
- 66 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule
- 67 that is less than 40 hours per week, the city recorder or town clerk may comply
- 68 with Subsection (3)(b)(i) without maintaining office hours by:
- 69 (A) posting the recorder's or clerk's contact information, including a phone
- 70 number and email address, on the recorder's or clerk's office door, the main
- 71 door to the municipal offices, and, if available, on the municipal website; and
- 72 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
- 73 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 74 (4) An individual elected to municipal office shall be a registered voter in the municipality
- 75 in which the individual is elected.
- 76 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
- 77 within the municipality, and within the district that the elected officer represents,
- 78 during the officer's term of office.
- 79 (b) Except as provided in Subsection (6), an elected municipal office is automatically
- 80 vacant if the officer elected to the municipal office, during the officer's term of office:
- 81 (i) establishes a principal place of residence outside the district that the elected officer
- 82 represents;
- 83 (ii) resides at a secondary residence outside the district that the elected officer
- 84 represents for a continuous period of more than 60 days while still maintaining a
- 85 principal place of residence within the district;
- 86 (iii) is absent from the district that the elected officer represents for a continuous
- 87 period of more than 60 days; or
- 88 (iv) fails to respond to a request, within 30 days after the day on which the elected
- 89 officer receives the request, from the county clerk or the lieutenant governor
- 90 seeking information to determine the officer's residency.
- 91 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
- 92 consent of the municipal legislative body in accordance with Subsection (6)(b) before
- 93 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the
- 94 officer may:
- 95 (i) reside at a secondary residence outside the district that the elected officer
- 96 represents while still maintaining a principal place of residence within the district

97 for a continuous period of up to one year during the officer's term of office; or
 98 (ii) be absent from the district that the elected officer represents for a continuous
 99 period of up to one year during the officer's term of office.

100 (b) At a public meeting, the municipal legislative body may give the consent described
 101 in Subsection (6)(a) by majority vote after taking public comment regarding:

102 (i) whether the legislative body should give the consent; and

103 (ii) the length of time to which the legislative body should consent.

104 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
 105 treasurer.

106 (b) The recorder of a municipality may not also serve as the municipal treasurer.

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

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

111 Section 2. Section **10-3-301.5** is enacted to read:

112 **10-3-301.5 . Conflict of interest disclosure statement for municipal office --**

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (i) on the municipality's website; or

141 (ii) if the municipality does not have a website, on the website of the county where
 142 the municipality is located.

143 (5) A city recorder or town clerk shall ensure that a candidate's conflict of interest
 144 disclosure statement remains posted on the website described in Subsection (4)(b) until:

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

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

147 (6)(a) A private party in interest may bring a civil action in a court with jurisdiction
 148 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
 149 this section.

150 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
 151 to the prevailing party.

152 Section 3. Section **17-16-1.5** is enacted to read:

153 **17-16-1.5 . Conflict of interest disclosure statement for county and local school**
 154 **board office -- Required when filing for candidacy -- Public availability -- Enforcement.**

155 (1)(a) A county clerk shall, for each person seeking to become a candidate for a county
 156 office or local school board office that is to be filled at the next general election,
 157 create, print, and provide the person with a copy of the conflict of interest disclosure
 158 statement described in Subsection (1)(b).

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

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

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

164 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection

- 165 (1)(a) shall complete the conflict of interest disclosure statement and submit the
 166 statement to the county clerk at the time the candidate files a declaration of candidacy.
- 167 (3) A candidate is not required to comply with Subsection (2) if the candidate:
 168 (a) currently holds the office for which the candidate seeks reelection;
 169 (b) already, that same year, filed a conflict of interest disclosure statement for the office
 170 described in Subsection (3)(a), in accordance with:
 171 (i) for a county office, Section 17-16a-13; or
 172 (ii) for a local school board office, Section 67-16-16; and
 173 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
 174 the conflict of interest disclosure statement described in Subsection (3)(b) is updated
 175 and accurate as of the date of filing the declaration of candidacy.
- 176 (4) Except as provided in Subsection (3), a county clerk:
 177 (a) may not accept a declaration of candidacy from a candidate for an office described in
 178 Subsection (1)(a) until the county clerk receives a complete conflict of interest
 179 disclosure statement from the candidate; and
 180 (b) shall make a candidate's conflict of interest disclosure statement available for public
 181 inspection by posting an electronic copy of the statement on the county's website.
- 182 (5) A county clerk shall ensure that a candidate's conflict of interest disclosure statement
 183 remains posted on the website described in Subsection (4)(b) until:
 184 (a) the candidate resigns or is disqualified as a candidate; or
 185 (b) the day after the day of the official canvass for the general election.
- 186 (6)(a) A private party in interest may bring a civil action in a court with jurisdiction
 187 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
 188 this section.
 189 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
 190 to the prevailing party.

191 Section 4. Section **17B-1-306.1** is enacted to read:

192 **17B-1-306.1 . Conflict of interest disclosure statement for special district office --**
 193 **Required when filing for candidacy -- Public availability -- Enforcement.**

- 194 (1) As used in this section, "filing officer" means the official designated by a special district
 195 board under Subsection 17B-1-306(5)(a) to receive a declaration of candidacy.
- 196 (2)(a) A filing officer shall, for each person seeking to become a candidate for an
 197 elective special district board that is to be filled at the next general election, create,
 198 print, and provide the person with a copy of the conflict of interest disclosure

- 199 statement described in Subsection (2)(b).
- 200 (b) A conflict of interest disclosure statement shall:
- 201 (i) be divided into sections representing each item of information described in
- 202 Subsections 20A-11-1604(6)(a) through (p); and
- 203 (ii) immediately beneath each section, include a space for the candidate to provide a
- 204 written response.
- 205 (3) Except as provided in Subsection (4), a candidate for an office described in Subsection
- 206 (1)(a) shall complete the conflict of interest disclosure statement and submit the
- 207 statement to the filing officer at the time the candidate files a declaration of candidacy.
- 208 (4) A candidate is not required to comply with Subsection (3) if the candidate:
- 209 (a) currently holds the office for which the candidate seeks reelection;
- 210 (b) already, that same year, filed a conflict of interest disclosure statement for the office
- 211 described in Subsection (4)(a), in accordance with Section 67-16-16; and
- 212 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
- 213 the conflict of interest disclosure statement described in Subsection (4)(b) is updated
- 214 and accurate as of the date of filing the declaration of candidacy.
- 215 (5) Except as provided in Subsection (4), a filing officer:
- 216 (a) may not accept a declaration of candidacy from a candidate for an office described in
- 217 Subsection (2)(a) until the filing officer receives a complete conflict of interest
- 218 disclosure statement from the candidate; and
- 219 (b) shall make a candidate's conflict of interest disclosure statement available for public
- 220 inspection by posting an electronic copy of the statement on:
- 221 (i) the special district's website; or
- 222 (ii) if the special district does not have a website, the website of each county in which
- 223 the special district is located.
- 224 (6) A filing officer shall ensure that a candidate's conflict of interest disclosure statement
- 225 remains posted on the website described in Subsection (5)(b) until:
- 226 (a) the candidate resigns or is disqualified as a candidate; or
- 227 (b) the day after the day of the official canvass for the general election.
- 228 (7)(a) A private party in interest may bring a civil action in a court with jurisdiction
- 229 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
- 230 this section.
- 231 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
- 232 to the prevailing party.

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

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

235 As used in this part:

236 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the
 237 officeholder reasonably believes may cause direct financial benefit or detriment to the
 238 officeholder, a member of the officeholder's immediate family, or an individual or entity
 239 that the officeholder is required to disclose under the provisions of this section, if that
 240 benefit or detriment is distinguishable from the effects of that action on the public or on
 241 the officeholder's profession, occupation, or association generally.

242 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information
 243 required under Section 20A-11-1604.

244 (3)(a) "Conviction" means a judicial determination that a person is guilty of a criminal
 245 offense, regardless of whether the conviction is the result of a trial or a plea of guilty
 246 or no contest.

247 (b) "Conviction" does not mean an adjudication of juvenile delinquency.

248 [~~3~~] (4) "Entity" means a corporation, a partnership, a limited liability company, a limited
 249 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization,
 250 a joint venture, a governmental entity, an unincorporated organization, or any other legal
 251 entity, regardless of whether it is established primarily for the purpose of gain or
 252 economic profit.

253 [~~4~~] (5) "Local official" means:

254 (a) an elected officer of:

255 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and
 256 Employees' Ethics Act; or

257 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure
 258 Act;

259 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and
 260 Employees' Ethics Act; or

261 (c) another individual:

262 (i) who is not a regulated officeholder; and

263 (ii) who is required to annually make a conflict of interest disclosure in accordance
 264 with Subsection 20A-11-1604(6).

265 [~~5~~] (6) "Filing officer" means:

266 (a) the lieutenant governor, for the office of a state constitutional officer or State Board

267 of Education member; or

268 (b) the lieutenant governor or the county clerk in the county of the candidate's residence,

269 for a state legislative office.

270 [(6)] (7) "Immediate family" means the regulated officeholder's spouse, a child living in the

271 regulated officeholder's immediate household, or an individual claimed as a dependent

272 for state or federal income tax purposes by the regulated officeholder.

273 [(7)] (8) "Income" means earnings, compensation, or any other payment made to an

274 individual for gain, regardless of source, whether denominated as wages, salary,

275 commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per

276 diem, expenses, reimbursement, dividends, or otherwise.

277 [(8)] (9)(a) "Owner or officer" means an individual who owns an ownership interest in an

278 entity or holds a position where the person has authority to manage, direct, control, or

279 make decisions for:

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

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

282 (b) "Owner or officer" includes:

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

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

285 [(9)] (10) "Preceding year" means the year immediately preceding the day on which the

286 regulated officeholder makes a conflict of interest disclosure.

287 [(10)] (11) "Regulated officeholder" means an individual who is required to make a conflict

288 of interest disclosure under the provisions of this part.

289 [(11)] (12) "State constitutional officer" means the governor, the lieutenant governor, the

290 state auditor, the state treasurer, or the attorney general.

291 [(12)] (13) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure

292 Website described in Section 20A-11-1602.5.

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

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

295 **reporting requirements.**

296 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or

297 any other official act of office in which a state constitutional officer has actual

298 knowledge that the state constitutional officer has a conflict of interest that is not

299 stated in the conflict of interest disclosure, the state constitutional officer shall

300 publicly declare that the state constitutional officer may have a conflict of interest

- 301 and what that conflict of interest is.
- 302 (b) Before or during any vote on legislation or any legislative matter in which a
303 legislator has actual knowledge that the legislator has a conflict of interest that is not
304 stated in the conflict of interest disclosure, the legislator shall orally declare to the
305 committee or body before which the matter is pending that the legislator may have a
306 conflict of interest and what that conflict is.
- 307 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
308 which a member of the State Board of Education has actual knowledge that the
309 member has a conflict of interest that is not stated in the conflict of interest
310 disclosure, the member shall orally declare to the board that the member may have a
311 conflict of interest and what that conflict of interest is.
- 312 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
313 be noted:
- 314 (a) on the official record of the action taken, for a state constitutional officer;
315 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
316 applicable, for a legislator; or
317 (c) in the minutes of the meeting or on the official record of the action taken, for a
318 member of the State Board of Education.
- 319 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
320 website:
- 321 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
322 (ii) if the state constitutional officer takes office after January 10, within 10 days after
323 the day on which the state constitutional officer takes office; and
324 (b) each time the state constitutional officer changes employment.
- 325 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 326 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
327 (ii) if the legislator takes office after January 10, within 10 days after the day on
328 which the legislator takes office; and
329 (b) each time the legislator changes employment.
- 330 (5) A member of the State Board of Education shall make a complete conflict of interest
331 disclosure on the website:
- 332 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
333 (ii) if the member takes office after January 10, within 10 days after the day on which
334 the member takes office; and

- 335 (b) each time the member changes employment.
- 336 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 337 (a) the regulated officeholder's name;
- 338 (b) the name and address of each of the regulated officeholder's current employers and
339 each of the regulated officeholder's employers during the preceding year;
- 340 (c) for each employer described in Subsection (6)(b), a brief description of the
341 employment, including the regulated officeholder's occupation and, as applicable, job
342 title;
- 343 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
344 owner or officer during the preceding year:
- 345 (i) the name of the entity;
- 346 (ii) a brief description of the type of business or activity conducted by the entity; and
347 (iii) the regulated officeholder's position in the entity;
- 348 (e) in accordance with Subsection [~~(7)~~] (8), for each individual from whom, or entity
349 from which, the regulated officeholder has received \$5,000 or more in income during
350 the preceding year:
- 351 (i) the name of the individual or entity; and
352 (ii) a brief description of the type of business or activity conducted by the individual
353 or entity;
- 354 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
355 fair market value of \$5,000 or more as of the date of the disclosure form or during the
356 preceding year, but excluding funds that are managed by a third party, including
357 blind trusts, managed investment accounts, and mutual funds:
- 358 (i) the name of the entity; and
359 (ii) a brief description of the type of business or activity conducted by the entity;
- 360 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
361 officeholder currently serves, or served in the preceding year, in a paid leadership
362 capacity or in a paid or unpaid position on a board of directors:
- 363 (i) the name of the entity or organization;
364 (ii) a brief description of the type of business or activity conducted by the entity; and
365 (iii) the type of position held by the regulated officeholder;
- 366 (h) at the option of the regulated officeholder, a description of any real property in which
367 the regulated officeholder holds an ownership or other financial interest that the
368 regulated officeholder believes may constitute a conflict of interest, including a

- 369 description of the type of interest held by the regulated officeholder in the property;
- 370 (i) the name of the regulated officeholder's spouse and any other adult residing in the
- 371 regulated officeholder's household who is not related by blood or marriage, as
- 372 applicable;
- 373 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
- 374 is required to provide under Subsection (6)(b);
- 375 (k) a brief description of the employment and occupation of each adult who:
- 376 (i) resides in the regulated officeholder's household; and
- 377 (ii) is not related to the regulated officeholder by blood or marriage;
- 378 (l) except as provided in Subsection (7), a description of any misdemeanor or felony
- 379 criminal offense for which the regulated officeholder was convicted;
- 380 ~~[(h)]~~ (m) at the option of the regulated officeholder, a description of any other matter or
- 381 interest that the regulated officeholder believes may constitute a conflict of interest;
- 382 ~~[(m)]~~ (n) the date the form was completed;
- 383 ~~[(n)]~~ (o) a statement that the regulated officeholder believes that the form is true and
- 384 accurate to the best of the regulated officeholder's knowledge; and
- 385 ~~[(o)]~~ (p) the signature of the regulated officeholder.
- 386 (7) In making the disclosure described in Subsection (6)(l), a regulated officeholder does
- 387 not need to disclose a conviction that was:
- 388 (a) for a traffic-related misdemeanor offense, unless the offense involved the use of
- 389 drugs, alcohol, or a controlled substance;
- 390 (b) reversed, set aside, or vacated; or
- 391 (c) expunged under the laws of the relevant jurisdiction.
- 392 ~~[(7)]~~ (8) In making the disclosure described in Subsection (6)(e), a regulated officeholder
- 393 who provides goods or services to multiple customers or clients as part of a business or a
- 394 licensed profession is only required to provide the information described in Subsection
- 395 (6)(e) in relation to the entity or practice through which the regulated officeholder
- 396 provides the goods or services and is not required to provide the information described
- 397 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
- 398 clients.
- 399 ~~[(8)]~~ (9) The disclosure requirements described in this section do not prohibit a regulated
- 400 officeholder from voting or acting on any matter.
- 401 ~~[(9)]~~ (10) A regulated officeholder may amend a conflict of interest disclosure described in
- 402 this part at any time.

403 ~~[(10)]~~ (11) A regulated officeholder who violates the requirements of Subsection (1) is
 404 guilty of a class B misdemeanor.

405 ~~[(11)]~~ (12)(a) A regulated officeholder who intentionally or knowingly violates a
 406 provision of this section, other than Subsection (1), is guilty of a class B
 407 misdemeanor.

408 (b) In addition to the criminal penalty described in Subsection ~~[(11)(a)]~~ (12)(a), the
 409 lieutenant governor shall impose a civil penalty of \$100 against a regulated
 410 officeholder who violates a provision of this section, other than Subsection (1).

411 Section 7. Section **34-52-102** is amended to read:

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

413 As used in this chapter:

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

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

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

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

421 (3) "Juvenile adjudication" means:

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

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

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

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

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

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

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

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

436 (a) the state or any administrative subunit of the state, including a department, division,

437 board, council, committee, institution, office, bureau, or other similar administrative
438 unit of state government;

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

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

442 Section 8. **Effective Date.**

443 This bill takes effect on May 7, 2025.