

Financial and Conflict of Interest Disclosures by Candidates Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor: Ronald M. Winterton

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- 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;

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

- 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;

- 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;

- 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;

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

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

- 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;

- establishes deadlines related to the processes described above;

- 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
- 34 circumstances; and
- 35 • permit the candidate or officeholder making the disclosure to request the redaction of
- 36 certain personally identifiable information from the disclosure if the candidate,
- 37 officeholder, or the candidate's or officeholder's spouse is an at-risk government
- 38 employee; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 None

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **10-3-208**, as last amended by Laws of Utah 2024, Chapter 158
- 47 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435
- 48 **17-16-6.5**, as last amended by Laws of Utah 2024, Chapter 158
- 49 **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 50 **20A-1-504**, as last amended by Laws of Utah 2020, Chapter 352
- 51 **20A-1-508**, as last amended by Laws of Utah 2022, Chapters 13, 166 and 177
- 52 **20A-1-509.1**, as last amended by Laws of Utah 2022, Chapter 13
- 53 **20A-1-509.2**, as last amended by Laws of Utah 2019, Chapter 255
- 54 **20A-1-510**, as last amended by Laws of Utah 2024, Chapters 438, 450
- 55 **20A-1-511**, as last amended by Laws of Utah 2020, Chapter 271
- 56 **20A-8-101**, as last amended by Laws of Utah 2023, Chapter 68
- 57 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443
- 58 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
- 59 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20
- 60 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
- 61 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
- 62 **36-11-102**, as last amended by Laws of Utah 2024, Chapters 425, 438

63 ENACTS:

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

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

68

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

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

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

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

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

75 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

76 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

77 (iii) the personal campaign committee of a candidate;

78 (iv) a member of the personal campaign committee of a candidate in the member's
79 capacity as a member of the personal campaign committee of the candidate; or

80 (v) a political consultant of a candidate.

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

82 (i) \$50; or

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

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

85 (A) files a declaration of candidacy for municipal office; or

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

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

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

91 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything
92 of value given to a candidate;

93 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
94 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
95 money or anything of value to the candidate;

96 (C) any transfer of funds from another reporting entity to the candidate;

97 (D) compensation paid by any person or reporting entity other than the candidate
98 for personal services provided without charge to the candidate;

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

133 (B) money lent to a candidate by a financial institution in the ordinary course of
134 business.

135 (g) "In-kind contribution" means anything of value other than money, that is accepted by
136 or coordinated with a candidate.

137 (h)(i) "Political consultant" means a person who is paid by a candidate, or paid by
138 another person on behalf of and with the knowledge of the candidate, to provide
139 political advice to the candidate.

140 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),
141 where the person:

142 (A) has already been paid, with money or other consideration;

143 (B) expects to be paid in the future, with money or other consideration; or

144 (C) understands that the person may, in the discretion of the candidate or another
145 person on behalf of and with the knowledge of the candidate, be paid in the
146 future, with money or other consideration.

147 (i) "Political purposes" means an act done with the intent or in a way to influence or tend
148 to influence, directly or indirectly, any person to refrain from voting or to vote for or
149 against any candidate or a person seeking a municipal office at any caucus, political
150 convention, or election.

151 (j) "Reporting entity" means:

152 (i) a candidate;

153 (ii) a committee appointed by a candidate to act for the candidate;

154 (iii) a person who holds an elected municipal office;

155 (iv) a party committee as defined in Section 20A-11-101;

156 (v) a political action committee as defined in Section 20A-11-101;

157 (vi) a political issues committee as defined in Section 20A-11-101;

158 (vii) a corporation as defined in Section 20A-11-101; or

159 (viii) a labor organization as defined in Section 20A-11-1501.

160 (2)(a) A municipality may adopt an ordinance establishing campaign finance disclosure
161 requirements for a candidate that are more stringent than the requirements provided
162 in Subsections (3) through ~~(7)~~ (8).

163 (b) The municipality may adopt definitions that are more stringent than those provided
164 in Subsection (1).

165 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in
166 Subsection (2)(a), a candidate shall comply with financial reporting requirements

167 contained in Subsections (3) through ~~[(7)]~~ (8).

168 (3) Each candidate:

169 (a) shall deposit a contribution in a separate campaign account in a financial institution;
170 and

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

173 (4)(a) In a year in which a municipal primary is held, each candidate who will
174 participate in the municipal primary shall file a campaign finance statement with the
175 municipal clerk or recorder no later than seven days before the day described in
176 Subsection 20A-1-201.5(2).

177 (b) Each candidate who is not eliminated at a municipal primary election shall file a
178 campaign finance statement with the municipal clerk or recorder no later than:

179 (i) 28 days before the day on which the municipal general election is held;

180 (ii) seven days before the day on which the municipal general election is held; and

181 (iii) 30 days after the day on which the municipal general election is held.

182 (c) Each candidate for municipal office who is eliminated at a municipal primary
183 election shall file with the municipal clerk or recorder a campaign finance statement
184 within 30 days after the day on which the municipal primary election is held.

185 (5) If a municipality does not conduct a primary election for a race, each candidate who will
186 participate in that race shall file a campaign finance statement with the municipal clerk
187 or recorder no later than:

188 (a) 28 days before the day on which the municipal general election is held;

189 (b) seven days before the day on which the municipal general election is held; and

190 (c) 30 days after the day on which the municipal general election is held.

191 (6)(a) If a candidate seeks appointment to fill a midterm vacancy in a municipal office
192 the candidate shall, no later than three business days before the day on which the
193 municipal legislative body meets to interview the candidate in accordance with
194 Section 20A-1-510, file a campaign finance statement with the municipal clerk or
195 recorder.

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

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

- 201 (a) except as provided in Subsection [~~(6)(b)~~] (7)(b):
- 202 (i) report all of the candidate's itemized and total:
- 203 (A) contributions, including in-kind and other nonmonetary contributions,
- 204 received up to and including five days before the campaign finance statement
- 205 is due, excluding a contribution previously reported; and
- 206 (B) expenditures made up to and including five days before the campaign finance
- 207 statement is due, excluding an expenditure previously reported; and
- 208 (ii) identify:
- 209 (A) for each contribution, the amount of the contribution and the name of the
- 210 donor, if known; and
- 211 (B) for each expenditure, the amount of the expenditure and the name of the
- 212 recipient of the expenditure; or
- 213 (b) report the total amount of all contributions and expenditures if the candidate receives
- 214 \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- 215 [~~(7)~~] (8) Within 30 days after receiving a contribution that is cash or a negotiable
- 216 instrument, exceeds the anonymous contribution limit, and is from a donor whose name
- 217 is unknown, a candidate shall disburse the amount of the contribution to:
- 218 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 219 political subdivision's general fund; or
- 220 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 221 Internal Revenue Code.
- 222 [~~(8)~~] (9)(a) A municipality may, by ordinance:
- 223 (i) provide an anonymous contribution limit less than \$50;
- 224 (ii) require greater disclosure of contributions or expenditures than is required in this
- 225 section; and
- 226 (iii) impose additional penalties on candidates who fail to comply with the applicable
- 227 requirements beyond those imposed by this section.
- 228 (b) A candidate is subject to the provisions of this section and not the provisions of an
- 229 ordinance adopted by the municipality under Subsection [~~(8)(a)~~] (9)(a) if:
- 230 (i) the municipal ordinance establishes requirements or penalties that differ from
- 231 those established in this section; and
- 232 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of
- 233 the ordinance as required in Subsection [~~(9)~~] (10).
- 234 [~~(9)~~] (10) Each municipal clerk or recorder shall, at the time the candidate for municipal

235 office files a declaration of candidacy, and again 35 days before each municipal general
 236 election, notify the candidate in writing of:

- 237 (a) the provisions of statute or municipal ordinance governing the disclosure of
- 238 contributions and expenditures;
- 239 (b) the dates when the candidate's campaign finance statement is required to be filed; and
- 240 (c) the penalties that apply for failure to file a timely campaign finance statement,
- 241 including the statutory provision that requires removal of the candidate's name from
- 242 the ballot for failure to file the required campaign finance statement when required.

243 ~~[(10)]~~ (11) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
 244 Access and Management Act, the municipal clerk or recorder shall:

- 245 (a) make each campaign finance statement filed by a candidate available for public
- 246 inspection and copying no later than one business day after the statement is filed; and
- 247 (b) make the campaign finance statement filed by a candidate available for public
- 248 inspection by:
 - 249 (i) posting an electronic copy or the contents of the statement on the municipality's
 - 250 website no later than seven business days after the day on which the statement is
 - 251 filed; and
 - 252 (ii) in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii),
 - 253 providing the lieutenant governor with a link to the electronic posting described in
 - 254 Subsection ~~[(10)(b)(i)]~~ (11)(b)(i) no later than two business days after the day on
 - 255 which the statement is filed.

256 ~~[(11)]~~ (12)(a) If a candidate fails to timely file a campaign finance statement required
 257 under Subsection (4) or (5), the municipal clerk or recorder:

- 258 (i) may send an electronic notice to the candidate that states:
 - 259 (A) that the candidate failed to timely file the campaign finance statement; and
 - 260 (B) that, if the candidate fails to file the report within 24 hours after the deadline
 - 261 for filing the report, the candidate will be disqualified; and
- 262 (ii) may impose a fine of \$50 on the candidate.
- 263 (b) The municipal clerk or recorder shall disqualify a candidate and inform the
- 264 appropriate election official that the candidate is disqualified if the candidate fails to
- 265 file a campaign finance statement described in Subsection (4) or (5) within 24 hours
- 266 after the deadline for filing the report.
- 267 (c) If a candidate is disqualified under Subsection ~~[(11)(b)]~~ (12)(b), the election official:
- 268 (i) shall:

- 269 (A) notify every opposing candidate for the municipal office that the candidate is
 270 disqualified;
- 271 (B) send an email notification to each voter who is eligible to vote in the
 272 municipal election office race for whom the election official has an email
 273 address informing the voter that the candidate is disqualified and that votes cast
 274 for the candidate will not be counted;
- 275 (C) post notice of the disqualification on a public website; and
- 276 (D) if practicable, remove the candidate's name from the ballot by blacking out the
 277 candidate's name before the ballots are delivered to voters; and
- 278 (ii) may not count any votes for that candidate.

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

- 282 (a) informing the voter that the candidate is disqualified; or
- 283 (b) directing the voter to a public website to inform the voter whether a candidate on the
 284 ballot is disqualified.

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

- 287 (a) the statement details accurately and completely the information required under
 288 Subsection [~~(6)]~~ (7), except for inadvertent omissions or insignificant errors or
 289 inaccuracies; and
- 290 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the
 291 next scheduled report.

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

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

297 ~~[(16)]~~ (17)(a) A private party in interest may bring a civil action in a court with
 298 jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the
 299 provisions of this section or an ordinance adopted under this section.

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

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

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

305 (1) As used in this section:

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

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

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

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

315 (i) the municipal offices to be voted on in the municipal general election; and

316 (ii) the dates for filing a declaration of candidacy for the offices identified under
317 Subsection (2)(a)(i).

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

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

321 (i) comply with the requirements described in Section 20A-9-203[-] ; and

322 (ii) file the conflict of interest disclosure statement described in Section 10-3-301.5.

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

326 (A) Saturday or Sunday; or

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

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

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

332 number and email address, on the recorder's or clerk's office door, the main
333 door to the municipal offices, and, if available, on the municipal website; and

334 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
335 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).

336 (4) An individual elected to municipal office shall be a registered voter in the municipality

- 337 in which the individual is elected.
- 338 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
339 within the municipality, and within the district that the elected officer represents,
340 during the officer's term of office.
- 341 (b) Except as provided in Subsection (6), an elected municipal office is automatically
342 vacant if the officer elected to the municipal office, during the officer's term of office:
- 343 (i) establishes a principal place of residence outside the district that the elected officer
344 represents;
- 345 (ii) resides at a secondary residence outside the district that the elected officer
346 represents for a continuous period of more than 60 days while still maintaining a
347 principal place of residence within the district;
- 348 (iii) is absent from the district that the elected officer represents for a continuous
349 period of more than 60 days; or
- 350 (iv) fails to respond to a request, within 30 days after the day on which the elected
351 officer receives the request, from the county clerk or the lieutenant governor
352 seeking information to determine the officer's residency.
- 353 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
354 consent of the municipal legislative body in accordance with Subsection (6)(b) before
355 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the
356 officer may:
- 357 (i) reside at a secondary residence outside the district that the elected officer
358 represents while still maintaining a principal place of residence within the district
359 for a continuous period of up to one year during the officer's term of office; or
- 360 (ii) be absent from the district that the elected officer represents for a continuous
361 period of up to one year during the officer's term of office.
- 362 (b) At a public meeting, the municipal legislative body may give the consent described
363 in Subsection (6)(a) by majority vote after taking public comment regarding:
- 364 (i) whether the legislative body should give the consent; and
365 (ii) the length of time to which the legislative body should consent.
- 366 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
367 treasurer.
- 368 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 369 (c) An individual who holds a county elected office may not, at the same time, hold a
370 municipal elected office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 405 (5) A city recorder or town clerk shall ensure that a candidate's conflict of interest
406 disclosure statement remains posted on the website described in Subsection (4)(b) until:
407 (a) the candidate resigns or is disqualified as a candidate; or
408 (b) the day after the day of the official canvass for the general election.
- 409 (6)(a) A private party in interest may bring a civil action in a court with jurisdiction
410 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
411 this section.
- 412 (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees
413 to the prevailing party.
- 414 Section 4. Section **17-16-1.5** is enacted to read:
- 415 **17-16-1.5 . Conflict of interest disclosure statement for county and local school**
416 **board office -- Required when filing for candidacy -- Public availability -- Enforcement.**
- 417 (1)(a) A county clerk shall, for each person seeking to become a candidate for a county
418 office or local school board office that is to be filled at the next general election,
419 create, print, and provide the person with a copy of the conflict of interest disclosure
420 statement described in Subsection (1)(b).
- 421 (b) A conflict of interest disclosure statement shall:
- 422 (i) be divided into sections representing each item of information described in
423 Subsections 20A-11-1604(6)(a) through (p); and
- 424 (ii) immediately beneath each section, include a space for the candidate to provide a
425 written response.
- 426 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection
427 (1)(a) shall complete the conflict of interest disclosure statement and submit the
428 statement to the county clerk at the time the candidate files a declaration of candidacy.
- 429 (3) A candidate is not required to comply with Subsection (2) if the candidate:
- 430 (a) currently holds the office for which the candidate seeks reelection;
- 431 (b) already, that same year, filed a conflict of interest disclosure statement for the office
432 described in Subsection (3)(a), in accordance with:
- 433 (i) for a county office, Section 17-16a-13; or
- 434 (ii) for a local school board office, Section 67-16-16; and
- 435 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
436 the conflict of interest disclosure statement described in Subsection (3)(b) is updated
437 and accurate as of the date of filing the declaration of candidacy.
- 438 (4) Except as provided in Subsection (3), a county clerk:

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

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

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

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

473 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
475 depositing or mingling any contributions received into a personal or business
476 account; ~~[and]~~
477 ~~[(vi)]~~ (f) a requirement that a candidate for county office who receives a contribution that
478 is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is
479 unknown, shall, within 30 days after receiving the contribution, disburse the amount
480 of the contribution to:
481 ~~[(A)]~~ (i) the treasurer of the state or a political subdivision for deposit into the state's
482 or political subdivision's general fund; or
483 ~~[(B)]~~ (ii) an organization that is exempt from federal income taxation under Section
484 501(c)(3), Internal Revenue Code[-] ;
485 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a
486 county office or local school board office file the financial report described in
487 Subsection (2)(c) with the county clerk:
488 (i) for a county office described in Section 20A-1-508, no later than three business
489 days before the day on which the political party of the prior officeholder submits
490 the candidate's name to the county legislative body as the individual the political
491 party selects to fill the vacancy;
492 (ii) for the office of county or district attorney described in Section 20A-1-509.1, no
493 later than three business days before the day on which the political party of the
494 prior officeholder submits the candidate's name to the county legislative body as
495 one of three individuals the party nominates to fill the vacancy;
496 (iii) for the office of county or district attorney described in Section 20A-1-509.2:
497 (A) no later than the deadline for the candidate to submit an application to fill the
498 vacancy under Subsection 20A-1-509.2(2)(b); and
499 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an
500 application to fill the vacancy, no later than three business days before the day
501 on which the political party of the prior officeholder submits the candidate's
502 name to the county legislative body as one of the individuals the party
503 nominates to fill the vacancy; or
504 (iv) for a local school board office, no later than three business days before the day
505 on which the local school board meets to interview each candidate interested in
506 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),
508 the county clerk immediately submit a copy of the report to the county legislative
509 body.

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

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

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

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

525 ~~[(2)] (4)~~ If any county fails to adopt a campaign finance disclosure ordinance described in
526 Subsection (1), candidates for county office, other than community council office, and
527 candidates for local school board office shall comply with the financial reporting
528 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
531 institution; and

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

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

538 (a) seven days before the date of the regular general election, reporting each contribution
539 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
 542 include:
- 543 (i) a list of each contribution received by the candidate, and the name of the donor, if
 544 known; and
- 545 (ii) a list of each expenditure for political purposes made during the campaign period,
 546 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
 549 seven days before the election, and the name of the donor; and
- 550 (ii) a list of all expenditures for political purposes made by the candidate after the
 551 cutoff date for the statement filed seven days before the election, and the recipient
 552 of each expenditure.
- 553 ~~[(6)]~~ (8)(a) As used in this Subsection ~~[(6)]~~ (8), "account" means an account in a financial
 554 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
 557 county office for which the person filed a declaration of candidacy or federal
 558 office, or as a holder of an office, other than a county office for which the person
 559 filed a declaration of candidacy or federal office, deposits a contribution or makes
 560 an expenditure.
- 561 (b) A county office candidate and a local school board office candidate shall include on
 562 any campaign financial statement filed in accordance with Subsection ~~[(4)]~~ (6) or ~~[(5)]~~
 563 (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
 567 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
 571 account.
- 572 ~~[(7)]~~ (9) Within 30 days after receiving a contribution that is cash or a negotiable
 573 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
 574 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
 576 political subdivision's general fund; or
- 577 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
 578 Internal Revenue Code.
- 579 ~~[(8)]~~ (10) Candidates for elective office in any county, and candidates for local school board
 580 office, who are eliminated at a primary election shall file a signed campaign financial
 581 statement containing the information required by this section not later than 30 days after
 582 the primary election.
- 583 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
 584 local school board office shall:
- 585 (i) comply with Subsections (5) and (9); and
 586 (ii) file a signed campaign financial statement with the county clerk no later than the
 587 deadline described in Subsection (2)(g).
- 588 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),
 589 the county clerk shall immediately submit a copy of the statement to the county
 590 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
 596 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
 598 clerk:
- 599 (a) may send an electronic notice to the candidate and the political party of which the
 600 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
 603 filing the report, the candidate will be disqualified and the political party will not
 604 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
 607 election officials that the candidate is disqualified if the candidate fails to file an
 608 interim report described in Subsection ~~[(11)]~~ (14) within 24 hours after the deadline

609 for filing the report.

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

612 (c) A candidate who is disqualified under Subsection [~~(12)~~(a)] (15)(a) shall file with the
613 county clerk a complete and accurate campaign finance statement within 30 days
614 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
616 official:

617 (a) shall:

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

620 (ii) send an email notification to each voter who is eligible to vote in the county
621 election office race for whom the election official has an email address informing
622 the voter that the candidate is disqualified and that votes cast for the candidate will
623 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
626 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)]
629 (16)(a) in relation to a mailed ballot, including a military or overseas ballot, by including
630 with the ballot a written notice directing the voter to the county's website to inform the
631 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
634 24 hours after the applicable deadlines for filing the reports;

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

638 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
639 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
642 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
 644 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
 646 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
 648 which a report is due, the county clerk shall permit a candidate to file the report via
 649 email or another electronic means designated by the county clerk.

650 ~~[(17)]~~ (20)(a) Any private party in interest may bring an action in a court with
 651 jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the
 652 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
 654 and attorney fees to the prevailing party.

655 ~~[(18)]~~ (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
 656 Access and Management Act, the county clerk shall:

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

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

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

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

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

668 **17B-1-306.1 . Conflict of interest disclosure statement for special district office --**
 669 **Required when filing for candidacy -- Public availability -- Enforcement.**

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

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

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

- 677 (i) be divided into sections representing each item of information described in
678 Subsections 20A-11-1604(6)(a) through (p); and
- 679 (ii) immediately beneath each section, include a space for the candidate to provide a
680 written response.
- 681 (3) Except as provided in Subsection (4), a candidate for an office described in Subsection
682 (2)(a) shall complete the conflict of interest disclosure statement and submit the
683 statement to the filing officer at the time the candidate files a declaration of candidacy.
- 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
687 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
689 the conflict of interest disclosure statement described in Subsection (4)(b) is updated
690 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
693 Subsection (2)(a) until the filing officer receives a complete conflict of interest
694 disclosure statement from the candidate; and
695 (b) shall make a candidate's conflict of interest disclosure statement available for public
696 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
699 the special district is located.
- 700 (6) A filing officer shall ensure that a candidate's conflict of interest disclosure statement
701 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
705 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
706 this section.
- 707 (b) In a civil action under Subsection (7)(a), the court may award costs and attorney fees
708 to the prevailing party.
- 709 Section 7. Section **20A-1-503** is amended to read:
- 710 **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.
- 715 (b) "Party liaison" means the political party officer designated to serve as a liaison with
- 716 the lieutenant governor on all matters relating to the political party's relationship with
- 717 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,
- 719 the governor shall fill the vacancy by immediately appointing the person whose name
- 720 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
- 722 the office of senator in the Legislature, it shall be filled for the unexpired term at the
- 723 next regular general election.
- 724 (b) The governor shall fill the vacancy until the next regular general election by
- 725 immediately appointing the person whose name was submitted by the party liaison of
- 726 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
- 728 before August 31 of an even-numbered year in which the term of office does not
- 729 expire, the lieutenant governor shall:
- 730 (i) establish a date and time, which is before the date for a candidate to be certified
- 731 for the ballot under Section 20A-9-701 and no later than 21 days after the day on
- 732 which the vacancy occurred, by which a person intending to obtain a position on
- 733 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
- 741 candidacy or certificate of nomination according to the procedures and
- 742 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
- 743 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
- 747 Qualifications and Nominating Procedures.
- 748 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
- 749 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
- 750 which the term of office does not expire, a party liaison from each registered political
- 751 party may submit a name of a person described in Subsection (4)(b) to the lieutenant
- 752 governor before 5 p.m. no later than August 30 for placement on the regular general
- 753 election ballot.
- 754 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
- 755 even-numbered year in which a term does not expire, the governor shall fill the vacancy
- 756 for the unexpired term by immediately appointing the person whose name was submitted
- 757 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
- 759 vacancy described in this section shall, no later than the deadline for the person to file
- 760 an interim report under Subsection 20A-11-303(3)(a), make a complete conflict of
- 761 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)
- 763 (a) if the person:
- 764 (i)(A) currently holds the office of senator and is seeking appointment as a
- 765 representative; or
- 766 (B) currently holds the office of representative and is seeking appointment as a
- 767 senator;
- 768 (ii) already, that same year, filed a conflict of interest disclosure for the office
- 769 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
- 771 statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii)
- 772 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
- 774 described in Subsection (6)(a) available for public inspection in accordance with
- 775 Subsection 20A-11-1603(4).
- 776 (8) A vacancy in the office of senator or representative of the Legislature does not occur
- 777 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
781 (ii) for a representative, the speaker of the House of Representatives.

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

783 **20A-1-504 . Midterm vacancies in the offices of attorney general, state treasurer,**
784 **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
786 treasurer, state auditor, or State Board of Education member, the vacancy shall be
787 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
790 nominated by the state central committee of the same political party as the prior
791 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,
794 with the advice and consent of the Senate, an individual who meets the
795 qualifications and residency requirements for filling the vacancy described in
796 Section 20A-14-103;

797 (B) was elected at a partisan State Board of Education election, but is not a
798 member of a political party, by appointing, with the advice and consent of the
799 Senate, an individual who meets the qualifications and residency requirements
800 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
802 of a political party, by appointing an individual who meets the qualifications
803 for the office from three persons nominated by the state central committee of
804 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
806 advice and consent of the Senate, appoint a person to hold the office until the next
807 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
809 vacancy described in this section shall make a complete conflict of interest disclosure
810 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,
812 or state auditor, no later than the deadline for the person to file an interim report

- 813 under Subsection 20A-11-204(3)(a); or
 814 (ii) for a vacancy in the office of State Board of Education member, no later than the
 815 deadline for the person to file an interim report under Subsection 20A-11-1303(2)
 816 (a).
 817 (b) A person described in Subsection (3)(a) is not required to comply with Subsection (3)
 818 (a) if the person:
 819 (i) currently holds an office described in Subsection (1)(a) or (2);
 820 (ii) already, that same year, filed a conflict of interest disclosure for the office
 821 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
 822 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
 823 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
 824 is updated and accurate as of the date of the written statement.
 825 (4) The lieutenant governor shall make each conflict of interest disclosure made by a person
 826 described in Subsection (3)(a) available for public inspection in accordance with
 827 Subsection 20A-11-1603(4).
 828 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the
 829 person occupying the office:
 830 (a) has left the office; or
 831 (b) submits an irrevocable letter of resignation of the governor.

832 Section 9. Section **20A-1-508** is amended to read:

833 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**
 834 **-- Interim replacement.**

- 835 (1) As used in this section:
 836 (a)(i) "County offices" includes the county executive, members of the county
 837 legislative body, the county treasurer, the county sheriff, the county clerk, the
 838 county auditor, the county recorder, the county surveyor, and the county assessor.
 839 (ii) "County offices" does not include the office of county attorney, district attorney,
 840 or judge.
 841 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 842 each county legislative body on all matters relating to the political party's relationship
 843 with a county as required by Section 20A-8-401.
 844 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints
 845 an interim replacement to fill a vacant county office under Subsection (3), the
 846 following shall temporarily discharge the duties of the county office as a temporary

- 847 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
- 851 the county office; or
- 852 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
- 853 vacates the office, the county officer files with the county clerk a written
- 854 statement designating one of the county officer's chief deputies to discharge the
- 855 duties of the county office in the event the county officer vacates the office, the
- 856 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
- 859 higher-seniority management level than any other employee serving under the
- 860 county office, that management-level employee;
- 861 (B) if two or more management-level employees serving under the county office
- 862 have the same and highest-seniority management level, the highest-seniority
- 863 management-level employee with the most cumulative time served in the
- 864 employee's current position; or
- 865 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
- 866 officer vacates the office, the county officer files with the county clerk a
- 867 written statement designating one of the county officer's employees to
- 868 discharge the county officer's duties in the event the county officer vacates the
- 869 office, the designated employee.
- 870 (b) Except as provided in Subsection (2)(c), a temporary manager described in
- 871 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
- 872 powers and duties of the county office until the county legislative body appoints an
- 873 interim replacement under Subsection (3).
- 874 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
- 875 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
- 878 Counties, and the county's budget ordinances and policies;
- 879 (iii) unless approved by the county legislative body, may not change the
- 880 compensation of an employee;

- 881 (iv) unless approved by the county legislative body, may not promote or demote an
 882 employee or change an employee's job title;
- 883 (v) may terminate an employee only if the termination is conducted in accordance
 884 with:
- 885 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the
 886 county legislative body; and
- 887 (B) applicable law;
- 888 (vi) unless approved by the county legislative body, may not exceed by more than 5%
 889 an expenditure that was planned before the county office for which the temporary
 890 manager discharges duties was vacated;
- 891 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
 892 compensation; and
- 893 (viii) if approved by the county legislative body, may receive a performance award
 894 after:
- 895 (A) the county legislative body appoints an interim replacement under Subsection
 896 (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
 899 body member.
- 900 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
 901 county legislative body shall appoint an interim replacement to fill the vacant office
 902 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
 904 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
 908 described in Subsection (3)(b)(i)(B) to submit the name of an individual to fill the
 909 vacancy.
- 910 ~~[(ii)] (iii)~~ ~~[That party liaison]~~ The party liaison shall, before 5 p.m. within 30 days after
 911 the day on which the party liaison receives the notice described in Subsection
 912 (3)(b)(i)(B), or if the party liaison does not receive the notice, before 5 p.m. within
 913 40 days after the day on which the vacancy occurs, submit to the county
 914 legislative body the name of an individual the party selects in accordance with the

- 915 party's constitution or bylaws to serve as the interim replacement.
- 916 [~~(iii)~~] (iv) The county legislative body shall, no later than five days after the day on
917 which a party liaison submits the name of the individual to serve as the interim
918 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
920 vacancy in accordance with Subsection [~~(3)(b)(iii)~~] (3)(b)(iv), the county clerk
921 shall, no later than five days after the day of the deadline described in Subsection
922 (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
924 replacement within the statutory time period; and
- 925 (B) contains the name of the individual submitted by the party liaison to fill the
926 vacancy.
- 927 (ii) The governor shall, within 10 days after the day on which the governor receives
928 the letter described in Subsection (3)(c)(i), appoint the individual named by the
929 party liaison as an interim replacement to fill the vacancy.
- 930 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
931 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
933 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
936 before the first day of the declaration of candidacy filing period described in
937 Section 20A-9-201.5.
- 938 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
939 shall as soon as practicable, but no later than 180 days before the next regular
940 general election, notify the public and each registered political party that the
941 vacancy exists.
- 942 (ii) An individual intending to become a party candidate for the vacant office shall
943 file a declaration of candidacy in accordance with:
- 944 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
945 and
- 946 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
947 if applicable.
- 948 (iii) An individual who is nominated as a party candidate, who qualifies as an

949 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
950 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
951 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
952 general election.

953 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
954 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
957 period described in Section 20A-9-201.5, but more than 75 days before the regular
958 primary election.

959 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
960 soon as practicable, but no later than 70 days before the next regular primary
961 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
964 under Subsection (5)(d)(ii).

965 (c)(i) An individual intending to become a party candidate for a vacant office shall,
966 within five days after the day on which the notice is given, ending at the close of
967 normal office hours on the fifth day, file a declaration of candidacy for the vacant
968 office in accordance with:

969 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
970 and

971 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
972 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
975 have filed declarations of candidacy; and

976 (B) certify the name of the candidate or candidates to the county clerk as soon as
977 practicable, but before 5 p.m. no later than 60 days before the day of the
978 regular primary election.

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

983 not Affiliated with a Party.

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

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

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

997 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
998 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
1001 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
1003 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
1007 (6)(d)(i)(A), the county central committee of each registered political party that
1008 wishes to submit a candidate for the office shall certify the name of one candidate
1009 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),
1011 a candidate who does not wish to affiliate with a registered political party shall file
1012 a verified certificate of nomination described in Section 20A-9-502 with the
1013 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
1014 a Party.

1015 (iii) Before the deadline that the county clerk establishes under Subsection

1016 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of

- 1017 candidacy described in Section 20A-9-601.
- 1018 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
 1019 that are before 5 p.m. no later than 65 days before the day of the next regular
 1020 general election by which:
- 1021 (A) a registered political party is required to certify a name under Subsection
 1022 (6)(c)(i);
 - 1023 (B) an individual who does not wish to affiliate with a registered political party is
 1024 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
 1026 Subsection (6)(c)(iii).
- 1027 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
 1028 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
 1029 access the regular general election ballot.
- 1030 (e) An individual who is certified as a party candidate for the vacant office, who
 1031 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
 1032 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
 1033 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
 1034 general election.
- 1035 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
 1036 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
 1039 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
 1041 legislative body shall as soon as practicable, but no later than 10 days after the day
 1042 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
 1046 described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the
 1047 vacancy.
- 1048 ~~[(ii)]~~ (iii) ~~[That party liaison]~~ The party liaison shall, before 5 p.m. within 30 days after
 1049 the day on which the party liaison receives the notice described in Subsection
 1050 (7)(b)(i)(B), or if the party liaison does not receive the notice, before 5 p.m. no

1051 later than 40 days after the day on which the vacancy occurs, submit to the county
1052 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
1054 which a party liaison submits the name of the individual to fill the vacancy,
1055 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
1057 accordance with Subsection [~~(7)(b)(iii)~~] (7)(b)(iv), the county clerk shall send to
1058 the governor a letter that:

1059 (A) informs the governor that the county legislative body has failed to appoint an
1060 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
1062 vacancy.

1063 (ii) The governor shall, within 10 days after the day on which the governor receives
1064 the letter described in Subsection (7)(c)(i), appoint the individual named by the
1065 party liaison to fill the vacancy.

1066 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office
1067 until a successor is elected and has qualified.

1068 (8) Except as otherwise provided by law, the county legislative body may appoint
1069 replacements to fill all vacancies that occur in those offices filled by appointment of the
1070 county legislative body.

1071 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
1072 political party from filing a certificate of nomination for a vacant office within the same
1073 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
1075 county office shall serve for the remainder of the unexpired term of the individual
1076 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
1078 Section 17-16-6.

1079 (11)(a) Except as provided in Subsection (11)(b), for a person seeking appointment to
1080 fill a vacancy described in Subsection (3) or (7), the person shall, no later than the
1081 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
1083 17-16-1.5; and

1084 (ii) submit the conflict of interest disclosure statement to the county legislative body

- 1085 and the county clerk.
- 1086 (b) A person described in Subsection (11)(a) is not required to comply with Subsection
- 1087 (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
- 1090 office described in Subsection (11)(b)(i), in accordance with Section 17-16a-13;
- 1091 and
- 1092 (iii) no later than the deadline described in Subsection (11)(a), indicates, in a written
- 1093 notice submitted to the county clerk, that the conflict of interest disclosure
- 1094 statement described in Subsection (11)(b)(ii) is updated and accurate as of the date
- 1095 of the written notice.
- 1096 (12)(a) The county clerk shall make each conflict of interest disclosure statement made
- 1097 by a person described in Subsection (11)(a) available for public inspection by posting
- 1098 an electronic copy of the statement on the county's website for at least 10 days after
- 1099 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)
- 1103 no later than two business days after the day on which the county clerk receives the
- 1104 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.
- 1108 Section 10. Section **20A-1-509.1** is amended to read:
- 1109 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
- 1110 **or more attorneys.**
- 1111 (1) When a vacancy occurs in the office of county or district attorney in a county or district
- 1112 having 15 or more attorneys who are licensed active members in good standing with the
- 1113 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
- 1114 section.
- 1115 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
- 1116 or district attorney becomes vacant and:
- 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

- 1119 period described in Section 20A-9-201.5.
- 1120 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
1121 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
1124 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
1126 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
1127 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
1130 Section 20A-9-201.5:
- 1131 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
1132 extended until 5 p.m. seven days after the last day of the filing period described in
1133 Section 20A-9-201.5; and
- 1134 (ii) the county clerk shall notify the public and each registered political party that the
1135 vacancy exists.
- 1136 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
1137 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
1140 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
1144 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
1147 notice described in Subsection (3)(b)(i), file a declaration of candidacy for the
1148 vacant office as required by Chapter 9, Part 2, Candidate Qualifications and
1149 Declarations of Candidacy; and
- 1150 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1151 (d) The county central committee of each party shall:
- 1152 (i) select a candidate or candidates from among those qualified candidates who have

- 1153 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
- 1156 election; or
- 1157 (B) electronically, before midnight no later than 60 days before the day of the
- 1158 regular primary election.
- 1159 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
- 1160 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
- 1163 remain before the regular general election.
- 1164 (b) When the conditions established in Subsection (4)(a) are met, the county central
- 1165 committees of each registered political party that [~~wish~~] wishes to submit a candidate
- 1166 for the office shall, not later than five days after the day on which the vacancy occurs,
- 1167 certify the name of one candidate to the county clerk for placement on the regular
- 1168 general election ballot.
- 1169 (c) The candidate elected shall complete the unexpired term of the person who created
- 1170 the vacancy.
- 1171 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
- 1172 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
- 1175 remain before the next regular general election.
- 1176 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
- 1177 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[
- 1180 and] .
- 1181 (c) [~~invite that committee~~] The county legislative body shall invite the committee
- 1182 described in Subsection (5)(b)(ii) to submit the names of three nominees to fill the
- 1183 vacancy.
- 1184 [(e)] (d) [~~That~~] The county central committee shall, within 30 days after the day on which
- 1185 the county legislative body gives the notice described in Subsection (5)(b)(ii), submit
- 1186 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,
 1188 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
 1190 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
 1192 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
 1195 within 30 days after receipt of the letter.
- 1196 ~~[(g)]~~ (h) A person appointed to fill the vacancy under this Subsection (5) shall complete
 1197 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
 1199 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
 1201 17-16-1.5; and
 1202 (b) submit the conflict of interest disclosure statement to the county legislative body and
 1203 the county clerk.
- 1204 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
 1205 a person described in Subsection (6) available for public inspection by posting an
 1206 electronic copy of the statement on the county's website for at least 10 days after the
 1207 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
 1209 later than two business days after the day on which the county clerk receives the
 1210 statement.
- 1211 (8) A vacancy in the office described in Subsection (1) does not occur unless the person
 1212 occupying the office:
 1213 (a) has left the office; or
 1214 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1215 ~~[(6)]~~ (9) Nothing in this section prevents or prohibits independent candidates from filing a
 1216 declaration of candidacy for the office within the required time limits.
- 1217 Section 11. Section **20A-1-509.2** is amended to read:
 1218 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
 1219 **15 attorneys.**
- 1220 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy

1221 created by the failure of a person to file as a candidate for the office of county or district
1222 attorney in an election, in a county or district having fewer than 15 attorneys who are
1223 licensed, active members in good standing with the Utah State Bar and registered voters,
1224 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
1226 who is a licensed, active member in good standing with the Utah State Bar and a
1227 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
1231 calendar days after the day on which the county clerk sends the letter, the attorney's
1232 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
1234 attorneys who are licensed, active members in good standing with the Utah State
1235 Bar and registered voters in the county or district have applied for the vacancy, the
1236 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
1237 applications to the county central committee of the same political party of the
1238 prior officeholder.

1239 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
1240 county central committee of each county within the prosecution district.

1241 (b) The central committee shall nominate three of the applicants and forward the
1242 applicants' names to the county legislative body before 5 p.m. within 20 days after
1243 the day on which the county clerk submits the applicants' names under Subsection
1244 (3)(a).

1245 (c) The county legislative body shall appoint one of the nominees to fill the vacant
1246 position.

1247 (d) If the central committee of the political party fails to submit at least three names to
1248 the county legislative body before the deadline described in Subsection (3)(b), the
1249 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
1251 days after the day on which the vacancy occurs, the county clerk shall mail to the
1252 governor:

1253 (i) a letter informing the governor that the county legislative body has failed to
1254 appoint a person to fill the vacancy; and

- 1255 (ii)(A) the list of nominees, if any, submitted by the central committee of the
1256 political party; or
- 1257 (B) if the party central committee has not submitted a list of at least three
1258 nominees within the required time, the names of the persons who submitted
1259 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
1261 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
1263 are licensed, active members in good standing with the Utah State Bar and registered
1264 voters in the county or district have applied for the vacancy, the county legislative
1265 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
1268 in Subsection (4)(b).
- 1269 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
1270 Utah State Bar and registered voters in the county or district submit applications,
1271 the county legislative body may publicly solicit and accept additional applications
1272 for the position from licensed, active members in good standing of the Utah State
1273 Bar who are not residents of the county or prosecution district.
- 1274 (ii) The county legislative body shall consider the applications submitted by the
1275 attorneys who are residents of and registered voters in the county or prosecution
1276 district and the applications submitted by the attorneys who are not residents of
1277 the county or prosecution district and shall appoint one of the applicants to be
1278 county attorney or district attorney.
- 1279 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days
1280 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
1282 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
1285 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
1287 who created the vacancy.
- 1288 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the

- 1289 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
- 1291 17-16-1.5; and
- 1292 (b) submit the conflict of interest disclosure statement to the county legislative body and
- 1293 the county clerk.
- 1294 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by
- 1295 a person described in Subsection (6) available for public inspection by posting an
- 1296 electronic copy of the statement on the county's website for at least 10 days after the
- 1297 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
- 1299 later than two business days after the day on which the county clerk receives the
- 1300 statement.
- 1301 (8) A vacancy in the office described in Subsection (1) does not occur until the person
- 1302 occupying the office:
- 1303 (a) has left the office; or
- 1304 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1305 Section 12. Section **20A-1-510** is amended to read:
- 1306 **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
- 1309 in Section 20A-1-102.
- 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
- 1312 resignation submitted by the municipal executive to the municipal legislative
- 1313 body; or
- 1314 (B) for a member of a municipal legislative body, on the effective date of an
- 1315 irrevocable letter of resignation submitted by the member to the municipal
- 1316 legislative body.
- 1317 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
- 1318 municipal executive or member of a municipal legislative body, the municipal
- 1319 legislative body shall, within 30 calendar days after the day on which the vacancy
- 1320 occurs, appoint a registered voter in the municipality who meets the qualifications for
- 1321 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
 1325 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
 1329 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
 1332 consideration, and who meets the qualifications for office, regarding the
 1333 individual's qualifications.
- 1334 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
 1335 among the names of the candidates interviewed under Subsection ~~[(1)(e)(iii)]~~
 1336 (1)(c)(iv).
- 1337 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
 1338 in the initial vote described in Subsection (1)(d)(i), the two candidates that
 1339 received the most votes in the initial vote, as determined by the tie-breaking
 1340 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
 1341 shall be placed before the municipal legislative body for a second vote to fill
 1342 the vacancy.
- 1343 (B) If the initial vote results in a tie for second place, the candidates tied for
 1344 second place shall be reduced to one by a coin toss conducted in accordance
 1345 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
 1346 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
 1347 initial vote and the candidate that wins the coin toss described in this
 1348 Subsection (1)(d)(ii)(B).
- 1349 (C) If the initial vote results in a tie among three or more candidates for first place,
 1350 the candidates tied for first place shall be reduced to two by a coin toss
 1351 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
 1352 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
 1353 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
 1355 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

- 1357 receives a majority vote of the municipal legislative body, the vacancy shall be
1358 determined by a coin toss between the two candidates in accordance with
1359 Subsection (1)(d)(ii)(D).
- 1360 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
1361 through (d), the municipal clerk or recorder shall immediately notify the lieutenant
1362 governor.
- 1363 (f) After receiving notice that a municipal legislative body has failed to timely comply
1364 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
1367 which the lieutenant governor provides the notice described in this Subsection
1368 (1)(f), appoint an eligible individual to fill the vacancy in accordance with
1369 Subsections (1)(c) and (d).
- 1370 (g) If the municipality fails to timely comply with a directive described in Subsection
1371 (1)(f):
- 1372 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
1373 the vacancy; and
1374 (ii) the governor shall, within 45 days after the day on which the governor receives
1375 the notice described in Subsection (1)(g)(i), provide public notice soliciting
1376 candidates to fill the vacancy in accordance with Subsection (1)(c) and appoint an
1377 individual to fill the vacancy.
- 1378 (2)(a) A vacancy in the office of municipal executive or member of a municipal
1379 legislative body shall be filled by an interim appointment, followed by an election to
1380 fill a two-year term, if:
- 1381 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
1382 executive at least 14 days before the deadline for filing for election in an
1383 odd-numbered year; and
1384 (ii) two years of the vacated term will remain after the first Monday of January
1385 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
1389 consideration, and who meets the qualifications for office, regarding the
1390 individual's qualifications.

- 1391 (3)(a) In a municipality operating under the council-mayor form of government, as
1392 defined in Section 10-3b-102:
- 1393 (i) the council may appoint an individual to fill a vacancy in the office of mayor
1394 before the effective date of the mayor's resignation by making the effective date of
1395 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
1397 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
1398 members, by majority vote, shall appoint a council member to serve as acting
1399 mayor during the time between the creation of the vacancy and the effective date
1400 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
1405 this section, the municipal legislative body member whose resignation creates the
1406 vacancy on the municipal legislative body may:
- 1407 (A) interview an individual whose name is submitted for consideration under
1408 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
1411 removed from office in accordance with state law may not cast a vote under
1412 Subsection (4)(a)(i).
- 1413 (b) A member of a municipal legislative body who submits his or her resignation to the
1414 municipal legislative body may not rescind the resignation.
- 1415 (c) A member of a municipal legislative body may not vote on an appointment under
1416 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
1418 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
1423 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

1425 procedures governing the appointment, interview, and voting process for filling
1426 vacancies in municipal offices.

1427 (8)(a) Except as provided in Subsection (8)(b), a person seeking appointment to fill a
1428 vacancy under this section shall, no later than the deadline for the person to file a
1429 campaign finance statement under Section 10-3-208:

1430 (i) complete a conflict of interest disclosure statement in accordance with Section
1431 10-3-301.5; and

1432 (ii) submit the conflict of interest disclosure statement to the municipal legislative
1433 body and the municipal clerk or recorder.

1434 (b) A person described in Subsection (8)(a) is not required to comply with Subsection
1435 (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
1438 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
1440 notice submitted to the municipal clerk or recorder, that the conflict of interest
1441 disclosure statement described in Subsection (8)(b)(ii) is updated and accurate as
1442 of the date of the written notice.

1443 (9)(a) The municipal clerk or recorder shall make each conflict of interest disclosure
1444 statement made by a person described in Subsection (8)(a) available for public
1445 inspection by posting an electronic copy of the statement on:

1446 (i) the municipality's website; or

1447 (ii) if the municipality does not have a website, on the website of the county in which
1448 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
1451 business days after the day on which the municipal recorder or clerk receives the
1452 statement; and

1453 (ii) ensure that the electronic statement remains posted on the website described in
1454 Subsection (9)(a) for at least 10 days after the day on which the municipal
1455 legislative body appoints a person to fill the vacancy.

1456 Section 13. Section **20A-1-511** is amended to read:

1457 **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

- 1459 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
1461 a vacancy on a local school board by appointment if the local school board fails to
1462 make an appointment to fill the vacancy:
- 1463 (i) except as provided in Subsection (1)(b)(ii), within 30 days after a vacancy occurs
1464 on the local school board; or
- 1465 (ii) within 45 days after a vacancy occurs on the local school board due to the death
1466 of a local school board member.
- 1467 (c) A member appointed and qualified under this Subsection (1) shall serve until a
1468 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
1470 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,
1472 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
1474 following the next school board election.
- 1475 (b) A member elected under this Subsection (2) shall serve for the remaining two years
1476 of the vacated term and until a successor is elected and qualified.
- 1477 (3) Before appointing an individual to fill a vacancy under this section, the local school
1478 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
1481 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
1485 being appointed to fill the vacancy may submit the individual's name for
1486 consideration; and
- 1487 [~~(c)~~] (d) in an open meeting, interview each individual whose name is submitted for
1488 consideration and who meets the qualifications for office, regarding the individual's
1489 qualifications.
- 1490 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
1491 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member
1492 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
1494 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
1496 Subsection (4)(a) may not rescind the resignation after the local school board makes
1497 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
1499 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
1501 17-16-1.5; and

1502 (b) submit the conflict of interest disclosure statement to the county legislative body and
1503 the county clerk.

1504 (6)(a) The county clerk shall make each conflict of interest disclosure statement made by
1505 a person described in Subsection (5) available for public inspection by posting an
1506 electronic copy of the statement on the county's website for at least 10 days after the
1507 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
1509 later than two business days after the day on which the county clerk receives the
1510 statement.

1511 Section 14. Section **20A-8-101** is amended to read:

1512 **20A-8-101 . Definitions.**

1513 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
1517 its candidates for any office equal to 2% or more of the total votes cast for all
1518 candidates for the United States House of Representatives in the same regular general
1519 election.

1520 (2) "County political party" means, for each registered political party, all of the persons
1521 within a single county who, under definitions established by the county political party,
1522 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
1525 complied with the petition and organizing procedures of this chapter to become a
1526 registered political party.

1527 ~~[(4)]~~ (5) "Public institution of higher education" means the same as that term is defined in
 1528 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
 1532 of its candidates for any office equal to 2% or more of the total votes cast for all
 1533 candidates for the United States House of Representatives in the same regular
 1534 general election; or

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

1536 (7) "State office" means the offices of governor, lieutenant governor, attorney general, state
 1537 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
 1539 Utah who, under definitions established by the state political party, are members of the
 1540 registered political party.

1541 Section 15. Section **20A-8-402.6** is enacted to read:

1542 **20A-8-402.6 . Notification of meeting to declare midterm vacancy nominee by**
 1543 **appointment.**

1544 (1) When there is a midterm vacancy in an office for which a registered political party is
 1545 entitled to declare a nominee to fill the vacancy by appointment, the registered political
 1546 party shall, no later than five business days before the day on which the registered
 1547 political party meets to declare the nominee:

1548 (a) notify the lieutenant governor of the date, time, and location of the meeting, if the
 1549 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
 1552 changes the date, time, or location of the meeting, the registered political party shall
 1553 notify the election officer of the change before 5 p.m. no later than one business day
 1554 after the day on which the registered political party makes the change described in this
 1555 Subsection (2).

1556 Section 16. Section **20A-11-103** is amended to read:

1557 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
 1558 **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
 1560 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention

- 1561 Elections, the chief election officer shall inform the filing entity by electronic mail
1562 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
1568 candidate's or political party's political convention;
 - 1569 (ii) of a financial statement due in connection with a public hearing for an initiative
1570 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
1573 Internet according to specifications established by the chief election officer.
- 1574 (3)(a) A financial statement is considered timely filed if the financial statement is
1575 received by the chief election officer's office before midnight, Mountain Time, at the
1576 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
1578 which a financial statement is due, the county clerk shall permit a candidate to file
1579 the financial statement via email or another electronic means designated by the
1580 county clerk.
- 1581 (c) A chief election officer may extend the time in which a filing entity is required to file
1582 a financial statement if a filing entity notifies the chief election officer of the
1583 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
1585 and Management Act, the lieutenant governor shall:
- 1586 (a) make each campaign finance statement filed by a candidate available for public
1587 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
1590 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
1591 Elections, no later than three business days after the date on which the summary
1592 report or interim report is electronically filed; or
 - 1593 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
1594 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or

1595 county website that hosts the campaign finance statement, no later than seven
 1596 business days after the date on which the lieutenant governor receives the link
 1597 from:

1598 (A) the municipal clerk or recorder, in accordance with Subsection [~~10-3-208~~
 1599 ~~(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)]~~
 1601 17-16-6.5(21)(b)(ii).

1602 (5) Between January 1 and January 15 of each year, the chief election officer shall provide
 1603 notice, by postal mail or email, to each filing entity for which the chief election officer
 1604 has a physical or email address, of the reporting and filing requirements described in this
 1605 chapter.

1606 Section 17. Section **20A-11-204** is amended to read:

1607 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
 1608 **requirements -- Interim reports.**

1609 (1) As used in this section:

1610 (a) "Campaign account" means a separate campaign account required under Subsection
 1611 20A-11-201(1)(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
 1614 member of the state office candidate's personal campaign committee;

1615 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1616 instrument or check is negotiated;

1617 (iii) for a direct deposit made into a campaign account by a person not associated
 1618 with the campaign, the earlier of:

1619 (A) the day on which the state office candidate or a member of the state office
 1620 candidate's personal campaign committee becomes aware of the deposit and
 1621 the source of the deposit;

1622 (B) the day on which the state office candidate or a member of the state office
 1623 candidate's personal campaign committee receives notice of the deposit and the
 1624 source of the deposit by mail, email, text, 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
 1627 inures to the state office candidate.

1628 (2) Except as provided in Subsection (3), each state office candidate shall file an interim

1629 report at the following times in any year in which the candidate has filed a declaration of
 1630 candidacy for a public office:

1631 (a)(i) seven days before the candidate's political convention; or

1632 (ii) for an unaffiliated candidate, the fourth Saturday in March;

1633 (b) seven days before the regular primary election date;

1634 (c) September 30; and

1635 (d) seven days before the regular general election date.

1636 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
 1637 vacancy, the state office candidate:

1638 (a) shall file an interim report:

1639 (i) no later than three business days before the day on which the political party of the
 1640 party for which the state office candidate seeks nomination meets to declare a
 1641 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~~
 1643 ~~party for which the state office candidate seeks nomination meets to declare a~~
 1644 ~~nominee for the governor to appoint in accordance with Section 20A-1-504;~~
 1645 ~~and]~~

1646 [~~(B) two days before the day on which the political party of the party for which~~
 1647 ~~the state office candidate seeks nomination meets to declare a nominee for the~~
 1648 ~~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]~~
 1650 three business days before the day on which the political party meets, or the
 1651 political party schedules the meeting to declare a nominee less than ~~[seven]~~ three
 1652 days before the day of the meeting, no later than 5 p.m. on the last day of business
 1653 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
 1658 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
 1660 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

- 1663 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
- 1665 since the last summary report that has not been reported in detail on a prior
- 1666 interim report;
- 1667 (e) for each nonmonetary contribution:
- 1668 (i) the fair market value of the contribution with that information provided by the
- 1669 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
- 1672 been reported in detail on a prior interim report;
- 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,
- 1675 if any, plus all receipts since the last summary report minus all expenditures since the
- 1676 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
- 1680 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
- 1685 officeholder is designated as an officer who has primary decision-making authority
- 1686 under Section 20A-11-601.
- 1687 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 1688 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
- 1690 officeholder more than five days before the required filing date of a report required
- 1691 by this section shall be included in the interim report.
- 1692 Section 18. Section **20A-11-303** is amended to read:
- 1693 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
- 1694 **reporting requirements -- Interim reports.**
- 1695 (1) As used in this section:
- 1696 (a) "Campaign account" means a separate campaign account required under Subsection

- 1697 20A-11-301(1)(a)(i) or (c)(i).
- 1698 (b) "Received" means:
- 1699 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
- 1700 member of the legislative office candidate's personal campaign committee;
- 1701 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 1702 instrument or check is negotiated;
- 1703 (iii) for a direct deposit made into a campaign account by a person not associated
- 1704 with the campaign, the earlier of:
- 1705 (A) the day on which the legislative office candidate or a member of the
- 1706 legislative office candidate's personal campaign committee becomes aware of
- 1707 the deposit and the source of the deposit;
- 1708 (B) the day on which the legislative office candidate or a member of the
- 1709 legislative office candidate's personal campaign committee receives notice of
- 1710 the deposit and the source of the deposit by mail, email, text, or similar means;
- 1711 or
- 1712 (C) 31 days after the day on which the direct deposit occurs; or
- 1713 (iv) for any other type of contribution, that any portion of the contribution's benefit
- 1714 inures to the legislative office candidate.
- 1715 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
- 1716 interim report at the following times in any year in which the candidate has filed a
- 1717 declaration of candidacy for a public office:
- 1718 (a)(i) seven days before the candidate's political convention; or
- 1719 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 1720 (b) seven days before the regular primary election date;
- 1721 (c) September 30; and
- 1722 (d) seven days before the regular general election date.
- 1723 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
- 1724 a midterm vacancy, the legislative office candidate:
- 1725 (a) shall file an interim report:
- 1726 (i) no later than three business days before the day on which the political party of the
- 1727 party for which the legislative office candidate seeks nomination meets to declare
- 1728 a nominee for the governor to appoint in accordance with Section 20A-1-503; or
- 1729 ~~[(i)(A) seven days before the day on which the political party of the party for~~
- 1730 ~~which the legislative office candidate seeks nomination meets to declare a~~

- 1731 ~~nominee for the governor to appoint in accordance with Section 20A-1-503;~~
 1732 ~~and]~~
- 1733 ~~[(B) two days before the day on which the political party of the party for which~~
 1734 ~~the legislative office candidate seeks nomination meets to declare a nominee~~
 1735 ~~for the governor to appoint in accordance with Section 20A-1-503; or]~~
- 1736 (ii) if the legislative office candidate decides to seek the appointment with less than [
 1737 seven] three business days before the day on which the political party meets, or the
 1738 political party schedules the meeting to declare a nominee less than [seven] three
 1739 business days before the day of the meeting, two days before the day on which the
 1740 political party meets; and
- 1741 (b) is not required to file an interim report at the times described in Subsection [(2)(a)] (2).
- 1742 (4) Each interim report shall include the following information:
- 1743 (a) the net balance of the last summary report, if any;
- 1744 (b) a single figure equal to the total amount of receipts reported on all prior interim
 1745 reports, if any, during the calendar year in which the interim report is due;
- 1746 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 1747 reports, if any, filed during the calendar year in which the interim report is due;
- 1748 (d) a detailed listing of:
- 1749 (i) for a legislative office candidate, each contribution received since the last
 1750 summary report that has not been reported in detail on a prior interim report; or
- 1751 (ii) for a legislative officeholder, each contribution and public service assistance
 1752 received since the last summary report that has not been reported in detail on a
 1753 prior interim report;
- 1754 (e) for each nonmonetary contribution:
- 1755 (i) the fair market value of the contribution with that information provided by the
 1756 contributor; and
- 1757 (ii) a specific description of the contribution;
- 1758 (f) a detailed listing of each expenditure made since the last summary report that has not
 1759 been reported in detail on a prior interim report;
- 1760 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1761 (h) a net balance for the year consisting of the net balance from the last summary report,
 1762 if any, plus all receipts since the last summary report minus all expenditures since the
 1763 last summary report;
- 1764 (i) a summary page in the form required by the lieutenant governor that identifies:

- 1765 (i) beginning balance;
- 1766 (ii) total contributions and public service assistance received during the period since
- 1767 the last statement;
- 1768 (iii) total contributions and public service assistance received to date;
- 1769 (iv) total expenditures during the period since the last statement; and
- 1770 (v) total expenditures to date; and
- 1771 (j) the name of a political action committee for which the legislative office candidate or
- 1772 legislative officeholder is designated as an officer who has primary decision-making
- 1773 authority under Section 20A-11-601.

1774 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as

1775 of five days before the required filing date of the report.

- 1776 (b) Any negotiable instrument or check received by a legislative office candidate or
- 1777 legislative officeholder more than five days before the required filing date of a report
- 1778 required by this section shall be included in the interim report.

1779 Section 19. Section **20A-11-1303** is amended to read:

1780 **20A-11-1303 . School board office candidate and school board officeholder --**

1781 **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
- 1784 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
- 1786 other negotiable instrument is negotiated;
- 1787 (iii) for a direct deposit made into a campaign account by a person not associated
- 1788 with the campaign, the earlier of:
- 1789 (A) the day on which the school board office candidate or a member of the school
- 1790 board office candidate's personal campaign committee becomes aware of the
- 1791 deposit and the source of the deposit;
- 1792 (B) the day on which the school board office candidate or a member of the school
- 1793 board office candidate's personal campaign committee receives notice of the
- 1794 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
- 1797 inures to the school board office candidate.
- 1798 (b) As used in this Subsection (1), "campaign account" means a separate campaign

- 1799 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
- 1801 file an interim report at the following times in any year in which the candidate has
- 1802 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
- 1808 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
- 1811 three business days before the day on which the Senate meets to consider the
- 1812 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
- 1815 the party for which the school board office candidate seeks nomination meets
- 1816 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
- 1818 than three business days before the day on which the political party meets, or
- 1819 the political party schedules the meeting to declare a nominee less than three
- 1820 days before the day of the meeting, no later than 5 p.m. on the last day of
- 1821 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
- 1826 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
- 1828 reports, if any, filed during the calendar year in which the interim report is due;
- 1829 (d) a detailed listing of:
- 1830 (i) for a school board office candidate, each contribution received since the last
- 1831 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

- 1833 received since the last summary report that has not been reported in detail on a
 1834 prior interim report;
- 1835 (e) for each nonmonetary contribution:
- 1836 (i) the fair market value of the contribution with that information provided by the
 1837 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
 1840 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,
 1843 if any, plus all receipts since the last summary report minus all expenditures since the
 1844 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
 1852 or school board officeholder is designated as an officer who has primary
 1853 decision-making authority under Section 20A-11-601.
- 1854 ~~[(3)]~~ (4)(a) In preparing each interim report, all receipts and expenditures shall be
 1855 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
 1857 school board officeholder more than five days before the required filing date of a
 1858 report required by this section shall be included in the interim report.
- 1859 Section 20. Section **20A-11-1604** is amended to read:
- 1860 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
 1861 **reporting requirements.**
- 1862 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
 1863 any other official act of office in which a state constitutional officer has actual
 1864 knowledge that the state constitutional officer has a conflict of interest that is not
 1865 stated in the conflict of interest disclosure, the state constitutional officer shall
 1866 publicly declare that the state constitutional officer may have a conflict of interest

- 1867 and what that conflict of interest is.
- 1868 (b) Before or during any vote on legislation or any legislative matter in which a
1869 legislator has actual knowledge that the legislator has a conflict of interest that is not
1870 stated in the conflict of interest disclosure, the legislator shall orally declare to the
1871 committee or body before which the matter is pending that the legislator may have a
1872 conflict of interest and what that conflict is.
- 1873 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
1874 which a member of the State Board of Education has actual knowledge that the
1875 member has a conflict of interest that is not stated in the conflict of interest
1876 disclosure, the member shall orally declare to the board that the member may have a
1877 conflict of interest and what that conflict of interest is.
- 1878 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
1879 be noted:
- 1880 (a) on the official record of the action taken, for a state constitutional officer;
1881 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
1882 applicable, for a legislator; or
1883 (c) in the minutes of the meeting or on the official record of the action taken, for a
1884 member of the State Board of Education.
- 1885 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
1886 website:
- 1887 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1888 (ii) if the state constitutional officer takes office after January 10, within 10 days after
1889 the day on which the state constitutional officer takes office; and
1890 (b) each time the state constitutional officer changes employment.
- 1891 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 1892 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1893 (ii) if the legislator takes office after January 10, within 10 days after the day on
1894 which the legislator takes office; and
1895 (b) each time the legislator changes employment.
- 1896 (5) A member of the State Board of Education shall make a complete conflict of interest
1897 disclosure on the website:
- 1898 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
1899 (ii) if the member takes office after January 10, within 10 days after the day on which
1900 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
- 1906 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
- 1908 the employment, including the regulated officeholder's occupation and, as
- 1909 applicable, job title;
- 1910 ~~[(d)]~~ (c) for each entity in which the regulated officeholder is an owner or officer, or was
- 1911 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
- 1916 from which, the regulated officeholder has received \$5,000 or more in income during
- 1917 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
- 1920 or entity;
- 1921 ~~[(f)]~~ (e) for each entity in which the regulated officeholder holds any stocks or bonds
- 1922 having a fair market value of \$5,000 or more as of the date of the disclosure form or
- 1923 during the preceding year, but excluding funds that are managed by a third party,
- 1924 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 ~~[(g)]~~ (f) for each entity not listed in Subsections ~~[(6)(d)]~~ (6)(c) through ~~[(f)]~~ (e) in which
- 1928 the regulated officeholder currently serves, or served in the preceding year, in a paid
- 1929 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
- 1934 which the regulated officeholder holds an ownership or other financial interest that

1935 the regulated officeholder believes may constitute a conflict of interest, including a
 1936 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
 1940 each of the regulated officeholder's spouse's employers during the preceding year,
 1941 if the regulated officeholder believes the employment may constitute a conflict of
 1942 interest;
 1943 (i) the name of any adult residing in the regulated officeholder's household who is not
 1944 related to the officeholder by blood;
 1945 ~~[(i) the name of the regulated officeholder's spouse and any other adult residing in the~~
 1946 ~~regulated officeholder's household who is not related by blood or marriage, as~~
 1947 ~~applicable;]~~
 1948 ~~[(j) for the regulated officeholder's spouse, the information that a regulated officeholder~~
 1949 ~~is required to provide under Subsection (6)(b);]~~
 1950 ~~[(k) (j) [a brief description of the employment and occupation of each adult who:] for~~
 1951 ~~each adult described in Subsection (6)(i), a brief description of the adult's~~
 1952 ~~employment or occupation, if the regulated officeholder believes the adult's presence~~
 1953 ~~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~~
 1957 ~~interest that the regulated officeholder believes may constitute a conflict of interest;~~
 1958 ~~[(m) (l) the date the form was completed;~~
 1959 ~~[(n) (m) a statement that the regulated officeholder believes that the form is true and~~
 1960 ~~accurate to the best of the regulated officeholder's knowledge; and~~
 1961 ~~[(o) (n) the signature of the regulated officeholder.~~
 1962 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated
 1963 officeholder or regulated officeholder's spouse is an at-risk government employee, as
 1964 that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may
 1965 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
 1968 Subsection (6)(h).

1969 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact
 1970 the disclosures made under Subsection (6)(b) or (h) before the filing officer makes
 1971 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
 1973 officeholder who provides goods or services to multiple customers or clients as part of a
 1974 business or a licensed profession is only required to provide the information described in
 1975 Subsection [~~(6)(e)~~] (6)(d) in relation to the entity or practice through which the regulated
 1976 officeholder provides the goods or services and is not required to provide the
 1977 information described in Subsection [~~(6)(e)~~] (6)(d) in relation to the regulated
 1978 officeholder's individual customers or clients.

1979 [~~(8)~~] (9) The disclosure requirements described in this section do not prohibit a regulated
 1980 officeholder from voting or acting on any matter.

1981 [~~(9)~~] (10) A regulated officeholder may amend a conflict of interest disclosure described in
 1982 this part at any time.

1983 [~~(10)~~] (11) A regulated officeholder who violates the requirements of Subsection (1) is
 1984 guilty of a class B misdemeanor.

1985 [~~(11)~~] (12)(a) A regulated officeholder who intentionally or knowingly violates a
 1986 provision of this section, other than Subsection (1), is guilty of a class B
 1987 misdemeanor.

1988 (b) In addition to the criminal penalty described in Subsection [~~(11)(a)~~] (12)(a), the
 1989 lieutenant governor shall impose a civil penalty of \$100 against a regulated
 1990 officeholder who violates a provision of this section, other than Subsection (1).

1991 Section 21. Section **36-11-102** is amended to read:

1992 **36-11-102 . Definitions.**

1993 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
 1996 made within a calendar day by the lobbyist, principal, or government officer for the
 1997 benefit of an individual public official;

1998 (b) for an expenditure made by a member of a lobbyist group, the total of all
 1999 expenditures made within a calendar day by every member of the lobbyist group for
 2000 the benefit of an individual public official; or

2001 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
 2002 lobbyist within a calendar day for the benefit of an individual public official,

- 2003 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;
- 2006 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
- 2009 of the House of Representatives or another nonexecutive branch public official;
- 2010 or
- 2011 (B) the president of the Senate, if the public official is a member of the Senate or
- 2012 another nonexecutive branch public official; or
- 2013 (b)(i) to which a public official who holds a position in the executive branch of state
- 2014 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;
- 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
- 2023 paid, loaned, granted, given, donated, or transferred to an individual for the provision
- 2024 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
- 2031 Code, and subject to social security deductions, including a payment in excess of
- 2032 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
- 2034 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

- 2037 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
- 2045 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.
- 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
- 2053 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
- 2058 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
- 2062 individual participates in or is a spectator at, including a sporting event, an artistic event,
- 2063 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
- 2067 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

- 2071 given to or for the benefit of a public official unless consideration of equal or greater
2072 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
2081 provide any item listed in Subsections (11)(a)(i) through (vii).
- 2082 (b) "Expenditure" does not mean:
- 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
2086 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any
2087 applicable ordinance adopted under Subsection [~~10-3-208(6)~~] 10-3-208(7) or
2088 17-16-6.5(1); or
 - 2089 (B) lawfully given to a person that is not required to report the contribution under
2090 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
2092 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
2097 official's position as a public official;
 - 2098 (C) the item is food or beverage with a value that does not exceed the food
2099 reimbursement rate, and the aggregate daily expenditures for food and
2100 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
2102 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
2104 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)
- 2110 who are attending a meeting of a national organization whose primary purpose
- 2111 is addressing general legislative policy;
- 2112 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 2113 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
- 2119 (B) has the name of the individual receiving the plaque, commendation, or award
- 2120 inscribed, etched, printed, or otherwise permanently marked on the plaque,
- 2121 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
- 2125 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
- 2129 public official remits the gift to the state; and
- 2130 (F) after being remitted to the state, is not transferred, divided, distributed, or used
- 2131 to distribute a gift or benefit to one or more public officials in a manner that
- 2132 would otherwise qualify the gift as an expenditure if the gift were given
- 2133 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
- 2138 of which is:

- 2139 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11,
 2140 Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section
 2141 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under
 2142 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
 2144 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
 2147 activity;
- 2148 (xiii) sponsorship of an approved activity;
- 2149 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
 2150 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
 2154 local governments, including the Utah Association of Counties, the Utah
 2155 League of Cities and Towns, or the Utah Association of Special Districts; or
- 2156 (D) for an education official, that is sponsored by a public school, a charter
 2157 school, or an organization that represents only public schools or charter
 2158 schools, including the Utah Association of Public Charter Schools, the Utah
 2159 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
 2161 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
 2163 state; or
- 2164 (B) for a public official who is a local official or an education official, the local
 2165 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
 2167 of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
 2168 employee of the executive branch, for an entire day.
- 2169 (13)(a) "Foreign agent" means an individual who engages in lobbying under contract
 2170 with a foreign government.
- 2171 (b) "Foreign agent" does not include an individual who is recognized by the United
 2172 States Department of State as a duly accredited diplomatic or consular officer of a

- 2173 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
- 2181 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
- 2183 member of a board of education;
- 2184 (iii) an individual appointed to fill a vacancy in a position described in Subsection
- 2185 (15)(a)(i) or (ii), when acting in the capacity of the position; or
- 2186 (iv) an individual appointed to or employed in a full-time position by state
- 2187 government, local government, or a board of education, when acting in the
- 2188 capacity of the individual's appointment or employment.
- 2189 (b) "Government officer" does not mean a member of the legislative branch of state
- 2190 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
- 2197 proposed in either house of the Legislature or its committees or requested by a
- 2198 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
- 2201 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
- 2205 reimbursement for reasonable travel expenses, with a principal to lobby a public
- 2206 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
- 2211 comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah
- 2212 Administrative Rulemaking Act, or Title 63G, Chapter 4, Administrative
- 2213 Procedures Act;
- 2214 (iv) a person participating on or appearing before an advisory or study task force,
- 2215 commission, board, or committee, constituted by the Legislature, a local
- 2216 government, a board of education, or any agency or department of state
- 2217 government, except legislative standing, appropriation, or interim committees;
- 2218 (v) a representative of a political party;
- 2219 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 2220 the right to practice the religious doctrines of the church, unless the individual or
- 2221 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
- 2223 of general circulation, or book publisher for the purpose of publishing news items,
- 2224 editorials, other comments, or paid advertisements that directly or indirectly urge
- 2225 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
- 2227 the Legislature, an agency of the executive branch of state government, a board of
- 2228 education, the governing body of a local government, a committee of a local
- 2229 government, or a committee of a board of education, solely for the purpose of
- 2230 testifying in support of or in opposition to legislative action, executive action,
- 2231 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
- 2234 official, while accompanied by a registered lobbyist who is lobbying in relation
- 2235 to the subject of the interaction or while presenting at a legislative committee
- 2236 meeting at the same time that the registered lobbyist is attending another
- 2237 legislative committee meeting; and
- 2238 (B) does not make an expenditure for, or on behalf of, a public official in relation
- 2239 to the interaction or during the period of interaction.
- 2240 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any

- 2241 combination of lobbyists, principals, and government officers, who each contribute a
 2242 portion of an expenditure made to benefit a public official or member of the public
 2243 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
 2248 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.
- 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
 2257 - Special Districts;
 - 2258 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
 2259 Act;
 - 2260 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
 2261 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
 2265 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
 2269 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
2276 a decision, including a conference, seminar, or summit.
- 2277 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
2278 represents two or more clients and divides the aggregate daily expenditure made to
2279 benefit a public official or member of the public official's immediate family between
2280 two or more of those clients.
- 2281 (26) "Principal" means a person that employs an individual to perform lobbying, either as
2282 an employee or as an independent contractor.
- 2283 (27) "Public official" means:
- 2284 (a)(i) a member of the Legislature;
- 2285 (ii) an individual elected to a position in the executive branch of state government; or
- 2286 (iii) an individual appointed to or employed in a position in the executive or
2287 legislative branch of state government if that individual:
- 2288 (A) occupies a policymaking position or makes purchasing or contracting
2289 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
2300 state government who meets the definition of public official under Subsection
2301 (27)(a)(iii);
- 2302 (iv) an individual appointed to or employed in a position in the executive branch of
2303 state government who meets the definition of public official under Subsection
2304 (27)(a)(iii);
- 2305 (v) a local official, including a description of the type of local government for which
2306 the individual is a local official; or
- 2307 (vi) an education official, including a description of the type of board of education for
2308 which the individual is an education official; or

2309 (b) an immediate family member of an individual described in Subsection (27)(a), (c), or
2310 (d).

2311 (29) "Quarterly reporting period" means the three-month period covered by each financial
2312 report required under Subsection 36-11-201(2)(a).

2313 (30) "Related person" means a person, agent, or employee who knowingly and intentionally
2314 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,
2318 sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

2319 (c) a spouse of an individual described in Subsection (31)(b).

2320 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public
2321 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
2325 action within the scope of the public official's duties.

2326 Section 22. **Effective Date.**

2327 This bill takes effect on May 7, 2025.