



## HB0391S02 compared with HB0391S03

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-1-502** , as last amended by Laws of Utah 2025, Chapter 448

22 **20A-1-503** , as last amended by Laws of Utah 2025, Chapters 90, 448

23 **20A-1-504** , as last amended by Laws of Utah 2025, Chapter 90

24 **20A-1-508** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

25 **20A-1-509.1** , as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

26 **20A-1-509.2** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

27 **20A-11-204** , as last amended by Laws of Utah 2025, Chapters 90, 448

28 **20A-11-1303** , as last amended by Laws of Utah 2025, Chapters 90, 448

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

31 Section 1. Section **20A-1-502** is amended to read:

32 **20A-1-502. Midterm vacancy in office of United States senator.**

33 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of United States  
senator, the governor shall, within seven calendar days after the day on which the vacancy occurs,  
issue a proclamation calling a special congressional election to fill the vacancy that:

37 (a) sets a date for a primary congressional special election, and a later date for a general congressional  
special election, on the same day as one of the following elections:

39 (i) a municipal general election;

40 (ii) a presidential primary election;

41 (iii) a regular primary election; or

42 (iv) a regular general election;

43 (b) sets the date of the primary congressional special election on the same day as the next election  
described in Subsections (1)(a)(i) through (iv) that is more than 90 calendar days after the day on  
which the governor issues the proclamation;

46 (c) sets the date of the general special congressional election on the same day as the next election  
described in Subsection (1)(a) that is more than 90 calendar days after the primary special  
congressional election described in Subsection (1)(b);

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- (d) provides each registered political party that is not a qualified political party at least 21 calendar days, but no more than 28 calendar days, to select one candidate, in a manner determined by the registered political party, as a candidate for the registered political party;
- 53 (e) for each qualified political party, provides at least 21 calendar days, but no more than 28 calendar days:
- 55 (i) for the qualified political party to select one candidate, using the convention process described in Section 20A-9-407, as a candidate for the qualified political party; and
- 58 (ii) for a member of the qualified political party to submit signatures to qualify as a candidate for the qualified political party using the signature-gathering process described in Section 20A-9-408;
- 61 (f) consistent with the requirements of this section, establishes the deadlines, time frames, and procedures for filing a declaration of candidacy, giving notice of an election, and other election requirements; and
- 64 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform Military and Overseas Voters Act.
- 66 (2)
- (a) The governor may set a date for a primary special congressional election or a general special congressional election on a date other than a date described in Subsection (1)(a) if:
- 69 (i) on the same day on which the governor issues the proclamation described in Subsection (1) the governor calls a special session for the Legislature to appropriate money to hold the election on a different day; or
- 72 (ii) if the governor issues the proclamation described in Subsection (1) on or after January 1, but before the end of the general session of the Legislature, and requests in the proclamation described in Subsection (1) that the Legislature appropriate money to hold the election on a different day.
- 76 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the election on a different day, the proclamation described in Subsection (1) is void and the governor shall, within seven calendar days after the day on which the Legislature declines to appropriate money to hold the election on a different day, issue a proclamation, in accordance with Subsection (1), that sets the special congressional primary and general elections on dates described in Subsections (1)(a)(i) through (iv).

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(3) A special congressional election to fill a vacancy in the office of United States senator will not be held if:

84 (a) the next regular general election that occurs after the day on which the vacancy occurs is the regular general election that occurs immediately before the six-year term for the senate office ends; and

87 (b) the vacancy occurs after August 1 of the year before the regular general election described in Subsection (3)(a).

89 (4)

(a) The governor shall appoint an individual to temporarily fill a vacancy in the office of United States senator from one of three individuals nominated by the Legislature, each of whom:

92 (i) meets the qualifications for the office; and

93 (ii) is a member of the registered political party of which the prior officeholder was a member at the time the prior officeholder was [elected] last elected or appointed.

95 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator until the earlier of the day on which:

97 (i) the vacancy is filled by election under Subsection (1) or (2); or

98 (ii) the six-year term for the senate office ends.

99 (5) An individual elected to fill a vacancy under this section shall serve until the end of the current term in which the vacancy filled by the election occurs.

101 (6) A vacancy in the office of United States senator does not occur unless the senator:

102 (a) has left the office; or

103 (b) submits an irrevocable letter of resignation to the governor or to the president of the United States Senate.

105 Section 2. Section **20A-1-503** is amended to read:

106 **20A-1-503. Midterm vacancies in the Legislature.**

107 (1) As used in this section:

108 (a) "Filing deadline" means the final date for filing:

109 (i) a declaration of candidacy as provided in Section 20A-9-202; and

110 (ii) a certificate of nomination as provided in Section 20A-9-503.

111 (b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

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- 114 (2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy [~~by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.~~] by immediately appointing the individual whose name is submitted by the party liaison of the registered political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.
- 120 (3)
- (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, [~~it~~] the vacancy shall be filled for the unexpired term at the next regular general election.
- 123 (b) The governor shall fill the vacancy until the next regular general election [~~by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.~~] by immediately appointing the individual whose name is submitted by the party liaison of the registered political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.
- 129 (4)
- (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:
- 132 (i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 calendar days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:
- 136 (A) a declaration of candidacy; or
- 137 (B) a certificate of nomination; and
- 138 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
- 139 (A) on the lieutenant governor's website; and
- 140 (B) to each registered political party.
- 141 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 142 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and
- 146 (ii) run in the regular general election if:

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- 147 (A) nominated as a party candidate; or
- 148 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and  
Nominating Procedures.
- 150 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in Subsection  
20A-9-202(1)(b) and before August 31[-] of an even-numbered year in which the term of office  
does not expire, a party liaison from each registered political party may submit a name of a person  
described in Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for  
placement on the regular general election ballot.
- 156 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered  
year in which a term does not expire, the governor shall fill the vacancy for the unexpired term [~~by  
immediately appointing the person whose name was submitted by the party liaison of the same  
political party as the prior senator.]~~ in accordance with Subsection (3)(b).
- 161 (6)
- (a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill a vacancy  
described in this section shall, no later than the deadline for the individual to file an interim report  
under Subsection 20A-11-303(3)(a), make a complete conflict of interest disclosure on the website  
described in Section 20A-11-1602.5.
- 165 (b) An individual described in Subsection (6)(a) is not required to comply with Subsection (6)(a) if the  
individual:
- 167 (i)
- (A) currently holds the office of senator and is seeking appointment as a representative; or
- 169 (B) currently holds the office of representative and is seeking appointment as a senator;
- 171 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection  
(6)(b)(i), in accordance with Section 20A-11-1604; and
- 173 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written statement, that the  
conflict of interest disclosure described in Subsection (6)(b)(ii) is updated and accurate as of the  
date of the written statement.
- 176 (7) The lieutenant governor shall make each conflict of interest disclosure made by an individual  
described in Subsection (6)(a) available for public inspection in accordance with Subsection  
20A-11-1603(4).

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(8) A vacancy in the office of senator or representative of the Legislature does not occur unless the senator or representative:

- 181 (a) has left the office; or  
182 (b) submits an irrevocable letter of resignation to:  
183 (i) for a senator, the president of the Senate; or  
184 (ii) for a representative, the speaker of the House of Representatives.

185 Section 3. Section **20A-1-504** is amended to read:

186 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, State Board of Education member, and lieutenant governor.**

188 (1)

(a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the unexpired term at the next regular general election.

191 [~~(b) The governor shall fill the vacancy until the next regular general election by:]~~

192 [~~(i) appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder; or]~~

195 [~~(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~

196 [~~(A) was elected at a nonpartisan State Board of Education election, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103;]~~

200 [~~(B) was elected at a partisan State Board of Education election, but is not a member of a political party, by appointing, with the advice and consent of the Senate, an individual who meets the qualifications and residency requirements for filling the vacancy described in Section 20A-14-103; or]~~

204 [~~(C) was elected at a partisan State Board of Education election, and is a member of a political party, by appointing an individual who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.]~~

208 (b) {The governor shall fill a vacancy described in Subsection (1)(a) until } Until the next regular general election, the governor shall fill the vacancy by {immediately } appointing {the individual whose name is submitted } an individual who meets the qualifications for the office from three persons nominated by the {party liaison } state central committee of the registered political party

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of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.

- 212 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the advice and  
consent of the Senate, appoint a person to hold the office until the next regular general election at  
which the governor stands for election.
- 215 (3)
- (a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill a vacancy  
described in this section shall make a complete conflict of interest disclosure on the website  
described in Section 20A-11-1602.5:
- 218 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer, or state  
auditor, no later than the deadline for the individual to file an interim report under Subsection  
20A-11-204(3)(a); or
- 221 (ii) for a vacancy in the office of State Board of Education member, no later than the deadline for  
the individual to file an interim report under Subsection 20A-11-1303(2)(a).
- 224 (b) An individual described in Subsection (3)(a) is not required to comply with Subsection (3)(a) if the  
individual:
- 226 (i) currently holds an office described in Subsection (1)(a) or (2);
- 227 (ii) already, that same year, filed a conflict of interest disclosure for the office described in Subsection  
(3)(b)(i), in accordance with Section 20A-11-1604; and
- 229 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written statement, that the  
conflict of interest disclosure described in Subsection (3)(b)(ii) is updated and accurate as of the  
date of the written statement.
- 232 (4) The lieutenant governor shall make each conflict of interest disclosure made by an individual  
described in Subsection (3)(a) available for public inspection in accordance with Subsection  
20A-11-1603(4).
- 235 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the individual  
occupying the office:
- 237 (a) has left the office; or
- 238 (b) submits an irrevocable letter of resignation to the governor.

240 Section 4. Section **20A-1-508** is amended to read:

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

- 242 (1) As used in this section:
- 243 (a)
- (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.
- 246 (ii) "County offices" does not include the office of county attorney, district attorney, or judge.
- 248 (b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.
- 251 (2)
- (a) Except as provided in Subsection (2)(d), until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), the following shall temporarily discharge the duties of the county office as a temporary manager:
- 255 (i) for a county office with one chief deputy, the chief deputy;
- 256 (ii) for a county office with more than one chief deputy:
- 257 (A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or
- 259 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or
- 264 (iii) for a county office without a chief deputy:
- 265 (A) if one management-level employee serving under the county office has a higher-seniority management level than any other employee serving under the county office, that management-level employee;
- 268 (B) if two or more management-level employees serving under the county office have the same and highest-seniority management level, the highest-seniority management-level employee with the most cumulative time served in the employee's current position; or
- 272 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the

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county officer's employees to discharge the county officer's duties in the event the county officer vacates the office, the designated employee.

- 277 (b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who  
temporarily discharges the duties of a county office holds the powers and duties of the county office  
until the county legislative body appoints an interim replacement under Subsection (3).
- 281 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges the duties of a  
county office:
- 283 (i) may not take an oath of office for the county office as a temporary manager;
- 284 (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the county's budget  
ordinances and policies;
- 286 (iii) unless approved by the county legislative body, may not change the compensation of an employee;
- 288 (iv) unless approved by the county legislative body, may not promote or demote an employee or change  
an employee's job title;
- 290 (v) may terminate an employee only if the termination is conducted in accordance with:
- 292 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the county legislative  
body; and
- 294 (B) applicable law;
- 295 (vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure  
that was planned before the county office for which the temporary manager discharges duties was  
vacated;
- 298 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation;  
and
- 300 (viii) if approved by the county legislative body, may receive a performance award after:
- 302 (A) the county legislative body appoints an interim replacement under Subsection (3); and
- 304 (B) the interim replacement is sworn into office.
- 305 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative body member.
- 307 (3)
- (a) Until a replacement is selected as provided in this section and has qualified, the county legislative  
body shall appoint an interim replacement to fill the vacant office by following the procedures and  
requirements of this Subsection (3).

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(b) In addition to this Subsection (3), an interim replacement appointed to the office of county auditor in a county of the first class is subject to the requirements described in Section 17-69-202.

313 (c)

(i) To appoint an interim replacement, the county legislative body shall, within 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to:

316 (A) the county clerk; and

317 (B) ~~[the party liaison of the same political party of the prior office holder]~~ the party liaison of the registered political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.

320 (ii) The county legislative body shall invite the party liaison described in Subsection (3)(c)(i)(B) to submit the name of an individual to fill the vacancy.

322 (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the party liaison receives the notice described in Subsection (3)(c)(i)(B), or if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is at least 40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual the party selects in accordance with the party's constitution or bylaws to serve as the interim replacement.

329 (iv) The county legislative body shall, no later than seven calendar days after the day on which a party liaison submits the name of the individual to serve as the interim replacement, appoint the individual to serve out the unexpired term.

332 (d)

(i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (3)(c)(iv), the county clerk shall, no later than seven calendar days after the day of the deadline described in Subsection (3)(c)(iv), send to the governor a letter that:

336 (A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and

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

340 (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter described in Subsection (3)(d)(i), appoint the individual named by the party liaison as an interim replacement to fill the vacancy.

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(e) An individual appointed as interim replacement under this Subsection (3) shall hold office until a successor is elected and has qualified.

345 (4)

(a) The requirements of this Subsection (4) apply to all county offices that become vacant if:

347 (i) the vacant office has an unexpired term of two years or more; and

348 (ii) the vacancy occurs after the election at which the officeholder was elected, but before the first day of the declaration of candidacy filing period described in Section 20A-9-201.5.

351 (b)

(i) When the conditions described in Subsection (4)(a) are met, the county clerk shall as soon as practicable, but no later than 180 calendar days before the next regular general election, notify the public and each registered political party that the vacancy exists.

355 (ii) An individual intending to become a party candidate for the vacant office shall file a declaration of candidacy in accordance with:

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

359 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.

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

366 (5)

(a) The requirements of this Subsection (5) apply to all county offices that become vacant if:

368 (i) the vacant office has an unexpired term of two years or more; and

369 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing period described in Section 20A-9-201.5, but more than 75 calendar days before the regular primary election.

372 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as soon as practicable, but no later than 70 calendar days before the next regular primary election, notify the public and each registered political party:

375 (i) that the vacancy exists; and

376 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established under Subsection (5)(d)(ii).

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- 378 (c)
- (i) An individual intending to become a party candidate for a vacant office shall, no later than 5 p.m. on the first business day that is at least five calendar days after the day on which the notice is given, file a declaration of candidacy for the vacant office in accordance with:
- 382 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and
- 384 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if applicable.
- 386 (ii) The county central committee of each party shall:
- 387 (A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and
- 389 (B) certify the name of the candidate or candidates to the county clerk as soon as practicable, but no later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the regular primary election.
- 392 (d)
- (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a candidate for a vacant office who does not wish to affiliate with a registered political party shall file a verified certificate of nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.
- 397 (ii)
- (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline that is no later than 5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular general election by which an individual who is not affiliated with a registered political party is required to submit a certificate of nomination under Subsection (5)(d)(i).
- 402 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal opportunity to access the regular general election ballot.
- 405 (e) An individual who is nominated as a party candidate for the vacant office, who qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.
- 410 (6)
- (a) The requirements of this Subsection (6) apply to all county offices that become vacant:
- 412 (i) if the vacant office has an unexpired term of two years or more; and

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- 413 (ii) when 75 calendar days or less remain before the day of the regular primary election but more  
than 65 calendar days remain before the day of the regular general election.
- 416 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as soon as  
practicable, notify the public and each registered political party:
- 418 (i) that the vacancy exists; and
- 419 (ii) of the deadlines established under Subsection (6)(d).
- 420 (c)
- (i) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(A), the county  
central committee of each registered political party that wishes to submit a candidate for the office  
shall certify the name of one candidate to the county clerk for placement on the regular general  
election ballot.
- 424 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B), a candidate  
who does not wish to affiliate with a registered political party shall file a verified certificate of  
nomination described in Section 20A-9-502 with the county clerk in accordance with Chapter 9,  
Part 5, Candidates not Affiliated with a Party.
- 429 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C), a write-  
in candidate shall submit to the county clerk a declaration of candidacy described in Section  
20A-9-601.
- 432 (d)
- (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines that are no later than  
5 p.m. on the last business day that is at least 65 calendar days before the day of the next regular  
general election by which:
- 435 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);
- 437 (B) an individual who does not wish to affiliate with a registered political party is required to  
submit a certificate of nomination under Subsection (6)(c)(ii); and
- 439 (C) a write-in candidate is required to submit a declaration of candidacy under Subsection (6)(c)  
(iii).
- 441 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner that gives an  
unaffiliated candidate or a write-in candidate an equal opportunity to access the regular general  
election ballot.

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

449 (7)

(a) The requirements of this Subsection (7) apply to all county offices that become vacant:

451 (i) if the vacant office has an unexpired term of less than two years; or

452 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar days or less remain before the day of the next regular general election.

454 (b)

(i) When the conditions described in Subsection (7)(a) are met, the county legislative body shall as soon as practicable, but no later than 10 calendar days after the day on which the vacancy occurs, give notice of the vacancy to:

457 (A) the county clerk; and

458 (B) ~~[the party liaison of the same political party as the prior office holder]~~ the party liaison of the registered political party of which the prior officeholder was a member at the time the prior officeholder was last elected or appointed.

461 (ii) The county legislative body shall invite the party liaison described in Subsection (7)(b)(i)(B) to submit the name of an individual to fill the vacancy.

463 (iii) The party liaison shall, no later than 5 p.m. on the first business day that is at least 30 calendar days after the day on which the party liaison receives the notice described in Subsection (7)(b)(i)(B), or if the party liaison does not receive the notice, no later than 5 p.m. on the first business day that is at least [-]40 calendar days after the day on which the vacancy occurs, submit to the county legislative body the name of an individual to fill the vacancy.

469 (iv) The county legislative body shall, no later than seven calendar days after the day on which a party liaison submits the name of the individual to fill the vacancy, appoint the individual to serve out the unexpired term.

472 (c)

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

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- (A) informs the governor that the county legislative body has failed to appoint an individual to fill the vacancy within the statutory time period; and
- 477 (B) contains the name of the individual submitted by the party liaison to fill the vacancy.
- 479 (ii) The governor shall, within 10 calendar days after the day on which the governor receives the letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill the vacancy.
- 482 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office until a successor is elected and has qualified.
- 484 (8) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.
- 487 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a political party from filing a certificate of nomination for a vacant office within the same time limits as a candidate that is affiliated with a political party.
- 490 (10)
- (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the individual who created the vacancy and until a successor is elected and qualified.
- 493 (b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-66-202.
- 495 (11)
- (a) Except as provided in Subsection (11)(b), for an individual seeking appointment to fill a vacancy described in Subsection (3) or (7) the individual shall, no later than the deadline for the individual to file a financial report under Section 17-70-403:
- 498 (i) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 500 (ii) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 502 (b) An individual described in Subsection (11)(a) is not required to comply with Subsection (11)(a) if the individual:
- 504 (i) currently holds an office described in Subsection (1)(a)(i);
- 505 (ii) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (11)(b)(i), in accordance with Section 17-70-509; and
- 508

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

512 (12)

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

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

517 (ii) appoints an individual to fill a vacancy under Subsection (7).

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

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

522 (a) has left the office; or

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

525 Section 5. Section **20A-1-509.1** is amended to read:

526 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.**

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

531 (2)

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

533 (i) the vacant office has an unexpired term of two years or more; and

534 (ii) the vacancy occurs before the first day of the applicable declaration of candidacy filing period described in Section 20A-9-201.5.

536 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

538 (c) All persons intending to become candidates for the vacant office shall:

539

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- (i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 541 (ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter  
9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and
- 544 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 545 (d) If the vacancy occurs during the applicable declaration of candidacy filing period described in  
Section 20A-9-201.5:
- 547 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until 5 p.m.  
on the first business day that is no later than seven calendar days after the last day of the applicable  
declaration of candidacy filing period described in Section 20A-9-201.5; and
- 551 (ii) the county clerk shall notify the public and each registered political party that the vacancy exists.
- 553 (3)
- (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney  
becomes vacant and:
- 555 (i) the vacant office has an unexpired term of two years or more; and
- 556 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than  
75 calendar days before the regular primary election.
- 558 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 559 (i) notify the public and each registered political party that the vacancy exists; and
- 560 (ii) identify the date and time by which a person interested in becoming a candidate shall file a  
declaration of candidacy.
- 562 (c) All persons intending to become candidates for the vacant office shall:
- 563 (i) no later than 5 p.m. on the first business day that is at least five calendar days after the day on which  
the county clerk gives the notice described in Subsection (3)(b)(i), file a declaration of candidacy  
for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of  
Candidacy; and
- 567 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 568 (d) The county central committee of each party shall:
- 569 (i) select a candidate or candidates from among those qualified candidates who have filed declarations  
of candidacy; and
- 571 (ii) certify the name of the candidate or candidates to the county clerk:

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- 572 (A) no later than 5 p.m. on the last business day that is at least 60 calendar days before the day of the  
regular primary election; or
- 574 (B) electronically, before midnight no later than 60 calendar days before the day of the regular primary  
election.
- 576 (4)
- (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney  
becomes vacant and:
- 578 (i) the vacant office has an unexpired term of two years or more; and
- 579 (ii) 75 calendar days or less remain before the regular primary election but more than 65 calendar  
days remain before the regular general election.
- 581 (b) When the conditions established in Subsection (4)(a) are met, the county central committees of each  
registered political party that wishes to submit a candidate for the office shall, not later than five  
calendar days after the day on which the vacancy occurs, certify the name of one candidate to the  
county clerk for placement on the regular general election ballot.
- 586 (c) The candidate elected shall complete the unexpired term of the person who created the vacancy.
- 588 (5)
- (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney  
becomes vacant and:
- 590 (i) the vacant office has an unexpired term of less than two years; or
- 591 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days or less  
remain before the next regular general election.
- 593 (b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give  
notice of the vacancy to:
- 595 (i) the county clerk; and
- 596 (ii) ~~[the county central committee of the same political party of the prior officeholder]~~ the county  
central committee of the registered political party of which the prior officeholder was a member at  
the time the prior officeholder was last elected or appointed.
- 600 (c) The county legislative body shall invite the committee described in Subsection (5)(b)(ii) to submit  
the names of three nominees to fill the vacancy.
- 602

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- (d) The county central committee shall, within 30 calendar days after the day on which the county legislative body gives the notice described in Subsection (5)(b)(ii), submit to the county legislative body the names of three nominees to fill the vacancy.
- 605 (e) The county legislative body shall, within 45 calendar days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.
- 607 (f) If the county legislative body fails to appoint a person to fill the vacancy within 45 calendar days, the county clerk shall send to the governor a letter that:
- 609 (i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and
- 611 (ii) contains the list of nominees submitted by the party central committee.
- 612 (g) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 calendar days after the day on which the governor receives the letter described in Subsection (5)(f).
- 615 (h) A person appointed to fill the vacancy under this Subsection (5) shall complete the unexpired term of the person who created the vacancy.
- 617 (6) A person seeking appointment to fill a vacancy described in Subsection (5)(a) shall, no later than the deadline for the person to file a financial report under Section 17-70-403:
- 619 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 621 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 623 (7)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.
- 628 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.
- 631 (8) A vacancy in the office described in Subsection (1) does not occur unless the person occupying the office:
- 633 (a) has left the office; or
- 634 (b) submits an irrevocable letter of resignation to the county legislative body.
- 635

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- (9) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

638 Section 6. Section **20A-1-509.2** is amended to read:

639 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.**

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

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

648 (a) informs the attorney of the vacancy;

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

650 (c) informs the attorney that if the attorney does not respond before 5 p.m. on the first business day that is at least 10 calendar days after the day on which the county clerk sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

653 (3)

(a)

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

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

662 (b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body no later than 5 p.m. on the first business day that is at least 20 calendar days after the day on which the county clerk submits the applicants' names under Subsection (3)(a).

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

668

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- (d) If the central committee of the political party fails to submit at least three names to the county legislative body before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.
- 671 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120 calendar days  
after the day on which the vacancy occurs, the county clerk shall mail to the governor:
- 674 (i) a letter informing the governor that the county legislative body has failed to appoint a person to fill  
the vacancy; and
- 676 (ii)
- (A) the list of nominees, if any, submitted by the central committee of the political party; or
- 678 (B) if the party central committee has not submitted a list of at least three nominees within the required  
time, the names of the persons who submitted applications for the vacant position to the county  
clerk.
- 681 (f) The governor shall appoint, within 30 calendar days after the day on which the governor receives the  
letter described in Subsection (3)(e), a person from the list to fill the vacancy.
- 684 (4)
- (a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed,  
active members in good standing with the Utah State Bar and registered voters in the county or  
district have applied for the vacancy, the county legislative body may:
- 688 (i) appoint one of them to be county or district attorney; or
- 689 (ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection  
(4)(b).
- 691 (b)
- (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and  
registered voters in the county or district submit applications, the county legislative body may  
publicly solicit and accept additional applications for the position from licensed, active members in  
good standing of the Utah State Bar who are not residents of the county or prosecution district.
- 696 (ii) The county legislative body shall consider the applications submitted by the attorneys who are  
residents of and registered voters in the county or prosecution district and the applications submitted  
by the attorneys who are not residents of the county or prosecution district and shall appoint one of  
the applicants to be county attorney or district attorney.

701

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- (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar days after the day on which the vacancy occurs, the county clerk shall:
- 703 (i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and
- 705 (ii) provide the governor with a list of all the applicants.
- 706 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after the day on which the governor receives the notification described in Subsection (4)(c).
- 708 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.
- 710 (6) A person seeking appointment to fill a vacancy under this section shall, no later than the deadline for the person to file a financial report under Section 17-70-403:
- 712 (a) complete a conflict of interest disclosure statement in accordance with Section 17-70-304; and
- 714 (b) submit the conflict of interest disclosure statement to the county legislative body and the county clerk.
- 716 (7)
- (a) The county clerk shall make each conflict of interest disclosure statement made by a person described in Subsection (6) available for public inspection by posting an electronic copy of the statement on the county's website for at least 10 calendar days after the day on which the county legislative body appoints a person to fill the vacancy.
- 721 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no later than two business days after the day on which the county clerk receives the statement.
- 724 (8) A vacancy in the office described in Subsection (1) does not occur until the person occupying the office:
- 726 (a) has left the office; or
- 727 (b) submits an irrevocable letter of resignation to the county legislative body.
- 729 Section 7. Section **20A-11-204** is amended to read:
- 730 **20A-11-204. State office candidate and state officeholder -- Financial reporting requirements**
- Interim reports.**
- 731 (1) As used in this section:
- 732 (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1) (a) or (c).

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- 734 (b) "Received" means:
- 735 (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state  
office candidate's personal campaign committee;
- 737 (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is  
negotiated;
- 739 (iii) for a direct deposit made into a campaign account by a person not associated with the campaign,  
the earlier of:
- 741 (A) the day on which the state office candidate or a member of the state office candidate's personal  
campaign committee becomes aware of the deposit and the source of the deposit;
- 744 (B) the day on which the state office candidate or a member of the state office candidate's personal  
campaign committee receives notice of the deposit and the source of the deposit by mail, email, text,  
or similar means; or
- 747 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 748 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state  
office candidate.
- 750 (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the  
following times in any year in which the candidate has filed a declaration of candidacy for a public  
office:
- 753 (a)
- (i) seven calendar days before the candidate's political convention; or
- 754 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 755 (b) seven calendar days before the regular primary election date;
- 756 (c) September 30; and
- 757 (d) seven calendar days before the regular general election date.
- 758 (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the  
state office candidate:
- 760 (a) shall file an interim report:
- 761 (i) no later than three business days before the day on which the political party of the party for which  
the state office candidate seeks nomination meets to declare a nominee for the governor to appoint  
in accordance with Subsection [~~20A-1-504(1)(a)~~] 20A-1-504(1)(b); or
- 765

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- (ii) if a state office candidate decides to seek the appointment with less than three business days before the day [~~on which the political party meets~~] described in Subsection (3)(a)(i), or the political party schedules the meeting [~~to declare a nominee~~] described in Subsection (3)(a)(i) less than three business days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party meets; and
- 771 (b) is not required to file an interim report at the times described in Subsection (2).
- 772 (4) Each interim report shall include the following information:
- 773 (a) the net balance of the last summary report, if any;
- 774 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- 776 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- 778 (d) a detailed listing of:
- 779 (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
- 781 (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- 784 (e) for each nonmonetary contribution:
- 785 (i) the fair market value of the contribution with that information provided by the contributor; and
- 787 (ii) a specific description of the contribution;
- 788 (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- 790 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 791 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
- 794 (i) a summary page in the form required by the lieutenant governor that identifies:
- 795 (i) beginning balance;
- 796 (ii) total contributions and public service assistance received during the period since the last statement;
- 798 (iii) total contributions and public service assistance received to date;
- 799 (iv) total expenditures during the period since the last statement; and
- 800 (v) total expenditures to date; and

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801 (j) the name of a political action committee for which the state office candidate or state officeholder is  
designated as an officer who has primary decision-making authority under Section 20A-11-601.

804 (5)

(a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar days before the required filing date of the report.

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

810 Section 8. Section **20A-11-1303** is amended to read:

811 **20A-11-1303. School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.**

812 (1)

(a) As used in this section, "received" means:

813 (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;

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

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

819 (A) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

822 (B) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

825 (C) 31 calendar days after the day on which the direct deposit occurs; or

826 (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

828 (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

830

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(c) Except as provided in Subsection (2), each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

833 (i) May 15;

834 (ii) seven calendar days before the regular primary election date;

835 (iii) September 30; and

836 (iv) seven calendar days before the regular general election date.

837 (2) If a school board office candidate is a school board office candidate seeking appointment for a midterm vacancy, the school board office candidate:

839 (a) shall file an interim report:

840 [~~(i) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(A) or (B), no later than three business days before the day on which the Senate meets to consider the school board office candidate's nomination; or]~~

843 [~~(ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii)(C):]~~

844 [~~(A) no later than three business days before the day on which the political party of the party for which the school board office candidate seeks nomination meets to declare a nominee for the governor to appoint; or]~~

847 [~~(B) if the school board office candidate decides to seek the appointment with less than three business days before the day on which the political party meets, or the political party schedules the meeting to declare a nominee less than three business days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party meets; and]~~

852 (i) no later than three business days before the day on which the political party of the party for which the school board office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Subsection 20A-1-504(1)(b); or

856 (ii) if the school board office candidate decides to seek the appointment with less than three business days before the day described in Subsection (2)(a)(i), or the political party schedules the meeting described in Subsection (2)(a)(i) less than three business days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the political party meets; and

861 (b) is not required to file an interim report at the times described in Subsection (1)(c).

862 (3) Each interim report shall include the following information:

863 (a) the net balance of the last summary report, if any;

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- 864 (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any,  
during the calendar year in which the interim report is due;
- 866 (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any,  
filed during the calendar year in which the interim report is due;
- 868 (d) a detailed listing of:
- 869 (i) for a school board office candidate, each contribution received since the last summary report that has  
not been reported in detail on a prior interim report; or
- 871 (ii) for a school board officeholder, each contribution and public service assistance received since the  
last summary report that has not been reported in detail on a prior interim report;
- 874 (e) for each nonmonetary contribution:
- 875 (i) the fair market value of the contribution with that information provided by the contributor; and
- 877 (ii) a specific description of the contribution;
- 878 (f) a detailed listing of each expenditure made since the last summary report that has not been reported  
in detail on a prior interim report;
- 880 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 881 (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all  
receipts since the last summary report minus all expenditures since the last summary report;
- 884 (i) a summary page in the form required by the lieutenant governor that identifies:
- 885 (i) beginning balance;
- 886 (ii) total contributions during the period since the last statement;
- 887 (iii) total contributions to date;
- 888 (iv) total expenditures during the period since the last statement; and
- 889 (v) total expenditures to date; and
- 890 (j) the name of a political action committee for which the school board office candidate or school board  
officeholder is designated as an officer who has primary decision-making authority under Section  
20A-11-601.
- 893 (4)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five calendar  
days before the required filing date of the report.

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

899

Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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