

14 Feb 2024

IMPROVING LOCAL ELECTIONS TRANSPARENCY & EFFICIENCY

~~Potential of giving political subdivisions of the State local access to the disclosure and campaign finance reporting tools at disclosure.utah.gov~~

Transparency and Standardization of Conflict of Interest Disclosures

Rep. Paul Cutler

Appreciation to the Working Group & Advisors

Working Group:

- LGRC Atty Michael Cipriano
- State Elections Director Ryan Cowley
- State Elections Coordinator Mallory Underwood
- Former Elections Director & ULCT Legislative Director Justin Lee
- Special Districts Association Pres LeGrand Bitter

- Davis County Clerk Brian McKenzie
- Weber County Clerk Ricky Hatch
- Vinyard Recorder Pam Spencer (Chair of the Recorders Association)

Additional Advisors:

- Davis & Weber School Districts
- State Auditor's Office
- State IT (DGO)
- State Archives Office (public notice website)



The background of the slide is a faded, light-colored image of the Utah State Capitol building, showing its iconic dome and classical architectural details like columns and a balcony. The text is overlaid on this image in a large, bold, black font.

29 Counties
250+ Cities & Towns
400+ Special Services Districts
State Land Use Authorities
Other Political Subdivisions





- HOME
- PUBLIC SEARCH
- ADVANCED SEARCH
- CREATE ENTITY
- CONTACT
- FAQS
- MY FOLDER
- LOG OFF

Financial Disclosures or Conflict of Interest Form.

Welcome **Paul Cutler!**

Candidate/Officeholder:

Paul Ashton Cutler

Office

Representative: Utah House District 18

Item 1A

The name(s) and address(es) of each of the individual's current employer(s) and name(s) and address(es) of each of the individual's employer(s) during the preceding year.

Current Employer(s):

	Contributions (+)	Add	Expenditures (-)	Add	Balance	
					\$0.00	
			Beginning Balance		\$0.00	
		\$28.76			\$28.76	
			(\$28.76)		\$0.00	
			(\$82.06)		(\$82.06)	
		\$200.00			\$117.94	
			(\$349.73)		(\$231.79)	
	\$2,500.00				\$2,268.21	
	\$200.00				\$2,468.21	
	\$100.00				\$2,568.21	
	\$100.00				\$2,668.21	
			(\$5.99)		\$2,662.22	
			(\$400.00)		\$2,262.22	
12	3/10/2022	Farmington City	Campaign Expense	(\$125.00)	\$2,137.22	
13	3/10/2022	Renaissance Signs Marketing & Design	Advertising	(\$502.49)	\$1,634.73	
14	3/11/2022	Costco	Supplies	(\$160.10)	\$1,474.63	
15	3/11/2022	Signs.com	Advertising	(\$465.11)	\$1,009.52	
16	3/16/2022	Davis County Library	Campaign Expense	(\$10.00)	\$999.52	
		Report Totals:		\$3,128.76	(\$2,129.24)	\$999.52
Show Details		Primary		\$32,385.00	(\$21,063.35)	\$12,321.17
Show Details		September 30th		\$7,450.00	(\$6,359.57)	\$13,411.60
Show Details		General		\$400.00	(\$136.53)	\$13,675.07
Show Details		Year End		\$300.00	(\$3,957.77)	\$10,017.30



HB80 S1

Conflict of Interest Disclosure Modifications

- We were not able to find a way, at a cost that could be funded in this year's budget, to allow local officials to use the State's disclosure website to file their conflict-of-interest disclosure. I hope to get there in a future year.
- This bill impacts elected officials in the following Political Subdivisions:
 - County
 - Municipal (Cities)
 - School District
 - Special District
 - State Land Use Authority (Elected or Appointed Officials)



HB80 S1

Conflict of Interest Disclosure Modifications

This Bill Does NOT:

- Change WHO is required to file a conflict of interest disclosure
- Eliminate any special or unique requirements a political subdivision may have related to conflict-of-interest disclosures

This Bill Does:

- Change WHERE conflict of interest disclosures are **POSTED** for elected officials & State Land Use Authorities
- Standardizes who must file annually
- Clarifies enforcement responsibilities and standard penalties



Conflict of Interest Disclosures- Existing Law

Existing Statute: Failure to Disclose a Conflict				
Office Holder	Civil Penalty	Criminal Penalty	Enforcement Responsibility*	
			Civil	Criminal
State	\$100	Title 20A (Class B)	Lt. Governor	Atty General
County	(dismissal from office)	Title 17-16A (Class A)	Commission	County Atty
Municipal	(dismissal from office)	Title 10-3 (Class B-F2)	Municipal Ethics Commission or Political Subdivisions Ethics Review Commission	Local Prosecutor
School District	(dismissal from office)	Title 67-16 (dismissal from office)	School Board	Local Prosecutor
Special District	(dismissal from office)	Title 67-16 (dismissal from office)	Special District	Local Prosecutor
State Land Use Authority	N/A	N/A	N/A	Local Prosecutor
Existing Statute: Failure to File a Conflict of Interest Disclosure:				
State	\$100	Title 20A (Class B)	Lt. Governor	Atty General



Conflict of Interest Disclosures Proposed Modifications

Proposed 2024 Bill: Failure to Disclose a Conflict

Proposed 2024 Bill: Failure to File a Conflict of Interest Disclosure

Office Holder	Civil Penalty	Criminal Penalty	Enforcement Responsibility*	
			Civil	Criminal
State	\$100	Title 20A (Class B)	Lt. Governor	Atty General
County	\$100	Title 17-16A (Class A) + (Class B)	County Clerk	County Atty
Municipal	\$100	Title 10-3 (Class B-F2) + (Class B)	Recorder or Town Clerk	Local Prosecutor
School District	\$100	Title 67-16 (dismissal from office) + (Class B)	School District Administrator	Local Prosecutor
Special District	\$100	Title 67-16 (dismissal from office) + (Class B)	Special District Clerk	Local Prosecutor
State Land Use Authority	\$100	Class B	Board Administrator	Local Prosecutor

*Bill defines “special filing officer” for each category who is responsible to oversee disclosures



Conflict of Interest Disclosure Modifications

Key Policy Points

- Local Officials will now be required to post conflict-of-interest disclosures on their organization's website (many do today, but not all)
- Each official is required to file/amend a conflict-of-interest disclosure annually between January 1-January 31st
- If an official fails to file a conflict-of-interest statement, the clerk/recorder/administrator gives them notice within 5 days.
- After being notified, if they again fail to file the conflict-of-interest statement within 7 days they are subject to a \$100 civil fine



Conflict of Interest Disclosure Modifications

Additional Policy Points

- Raises “substantial interest” in a regulated business from ~~\$2,000~~ to \$5000.
- Clerk/recorder/administrator posts disclosures on each organization’s website & sends a link (one time) to Lt. Governor’s Office.
- Lt. Governor’s disclosure site will provide a centralized directory that will link to each local entity’s site
- Campaign Financial Reports will also now be posted on the local entity’s website. The Lt. Governor’s disclosure site will provide a centralized directory that will link to each local entity’s site.



Conflict of Interest Disclosure Modifications

Key Policy Points – Special Districts

- Captures only those special districts with an annual budget “*that is equal to or exceeds ten times the revenue and expenditure amount described in Subsection [51-2a-201\(1\)](#)*” (which is \$1 million in 2024)
- Unofficial List of Districts over \$10M (Source: State Auditor’s office)

Cache Valley Transit District	Mountain Regional Water Special Service District (Atkinson)	Taylorville-Bennion Improvement District
Central Utah Water Conservancy District	Mt Olympus Improvement District	Timpanogos Special Service District
Central Weber Sewer Improvement District	North Davis Fire District	Uintah Recreation Special Service District 1
Cottonwood Improvement District	North Davis Sewer District	Uintah Water Conservancy District
Granger-Hunter Improvement District	North Pointe Solid Waste SSD	Unified Fire Service Area
Greater Salt Lake Municipal Services District	Park City Fire Service District	Wasatch Behavioral Health Services Special Service District
Gunnison Valley Hospital Special Service District	Salt Lake Valley Law Enforcement Service Area	Wasatch County Fire Protection SSD
Hurricane Valley Fire Special Service District	San Juan Health Care Services District	Wasatch Front Waste and Recycling District
Jordan Valley Water Conservancy District	Snyderville Basin Water Reclamation District	Wasatch Integrated Waste Management District
Jordanelle Special Service District	South Davis Metro Fire Service Area	Washington County Solid Waste SSD
Kane County Human Resource SSD (Hospital)	South Davis Sewer District	Washington County Water Conservancy District
Kearns Improvement District	South Utah Valley Electric Service District	Weber Basin Water Conservancy District
Magna Water District	South Utah Valley Solid Waste District	Weber Fire District
Metropolitan Water District of Salt Lake & Sandy	South Valley Sewer District	



Conflict of Interest Disclosure Modifications

Key Policy Points – State Land Use Authorities

- Major State Land Use Authorities Included:
 - a. The Utah Inland Port Authority
 - b. The Point of the Mountain State Land Authority
 - c. The Military Installation Development Authority (MIDA)
 - d. The School and Institutional Trust Lands Administration
 - e. The Utah Housing Corporation
 - f. The Heber Valley Historic Railroad Authority; and
 - g. The Great Salt Lake Advisory Council
 - h. The Colorado River Authority



To make things easier...

It is not called out in statute....however we have an agreement...

The State Elections office has agreed to post downloadable sample/template conflict of interest forms on the state disclosure website for :

- County
- Municipal (Cities)
- School District
- Special District
- State Land Use Authority (Elected or Appointed Officials)



THANK
YOU

