

Effective 11/6/2025

**Chapter 70
County Clerk**

**Part 1
General Provisions**

17-70-101 Definitions.

As used in this chapter, "finance officer" means the same as that term is defined in Section 17-66-101.

Amended by Chapter 105, 2026 General Session

17-70-102 Seal.

- (1) The county legislative body shall furnish the county clerk a seal in accordance with Subsection (2).
- (2) The seal shall contain or be impressed with:
 - (a) the name of the county; and
 - (b) "State of Utah, County Clerk."

Enacted by Chapter 13, 2025 Special Session 1

17-70-103 Ex officio auditor in certain counties.

- (1) In accordance with Sections 17-66-104 and 17-66-403, in counties having a taxable value of less than \$100,000,000, the county clerk shall:
 - (a) be ex officio auditor of the county, as described in Section 17-69-103; and
 - (b) except as provided in Subsection (2), shall perform the duties of the office without extra compensation.
- (2) The legislative body of a county described in Subsection (1) may elect to pay the county clerk an additional amount, not to exceed the limits described in Subsection 17-66-403(1).

Amended by Chapter 105, 2026 General Session

**Part 2
Qualifications and Term**

17-70-201 Elections training.

A county clerk shall complete elections training in accordance with Section 20A-1-107.

Enacted by Chapter 13, 2025 Special Session 1

**Part 3
Powers and Duties**

17-70-301 County legislative body clerk -- District court clerk duties.

- (1) The county clerk is the clerk of the county legislative body.
- (2)
 - (a) A county clerk shall:
 - (i) act as clerk of the district court in secondary counties of the state district court administrative system and those counties not in the system; and
 - (ii) perform the duties listed in Section 78A-5-108.
 - (b) If a county clerk performs district court clerk functions, the legislative body of the county shall provide the clerk with deputies and employees for the business of the district court as described in Subsection 17-75-201(2).

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-302 Duties.

- A county clerk shall:
- (1) record all proceedings of the county legislative body;
 - (2) make full entries of all resolutions and decisions of the county legislative body on all questions concerning the county;
 - (3) record the vote of each member of the county legislative body on any motion where there is a division of the county legislative body;
 - (4) prepare and certify duplicate lists of all claims that:
 - (a) show the amount of each claim or order;
 - (b) show the date of each claim or order;
 - (c) show the date of the county's allowance or rejection of the claim; and
 - (d) are countersigned by the county executive;
 - (5) deliver one of the lists referred to in Subsection (4) to the:
 - (a) county finance officer; and
 - (b) county treasurer;
 - (6) file and preserve a county officer's report to the county legislative body;
 - (7) file and preserve all accounts except accounts that are kept by the county finance officer;
 - (8) file and preserve all petitions and applications for franchises;
 - (9) record the county legislative body's action on petitions and applications for franchises;
 - (10) authenticate with the clerk's signature and the seal of the county the county legislative body's proceedings;
 - (11) authenticate with the clerk's signature and the seal of the county all ordinances the county legislative body passes, and record them in the ordinance book;
 - (12) record all orders levying taxes;
 - (13) keep at the county clerk's office all county books, records, and accounts that the county clerk is required by law to keep;
 - (14) during regular business hours, provide for public inspection all county books, records, and accounts that the county clerk is required by law to keep;
 - (15) perform all other duties the county legislative body requires by:
 - (a) ordinance; or
 - (b) resolution;
 - (16) establish policies to issue marriage licenses to county residents and individuals getting married in the county;
 - (17) keep a register of marriage licenses the county clerk issues;

- (18) establish policies to ensure that the county clerk, or a designee of the county clerk who is willing, is available during business hours to solemnize a legal marriage for which a marriage license has been issued;
- (19) execute with the county clerk's seal described in Section 17-70-102 all deeds and conveyances of all real estate conveyed by the county;
- (20) take and certify acknowledgments;
- (21) administer oaths;
- (22) keep a fee schedule as provided by law;
- (23) take charge of and safely keep the seal of the county described in Section 17-64-103; and
- (24) keep other records and perform other duties as may be prescribed by law.

Amended by Chapter 105, 2026 General Session

17-70-303 Report of election and appointment of county officers.

Within 10 days after the day on which a county clerk issues a certificate of election or a certificate of appointment made to fill vacancies in elective county offices, the county clerk shall notify the lieutenant governor of the following:

- (1) the name of the county;
- (2) the name of the county office to which the individual was elected or appointed;
- (3) the date the individual was elected or appointed;
- (4) the date the term for which the individual was elected or appointed expires;
- (5) the date of the certificate of election or appointment; and
- (6) the date of the qualification of the individual elected or appointed.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-304 Conflict of interest disclosure statement for county and local school board office -- Required when filing for candidacy -- Public availability -- Enforcement.

- (1)
 - (a) A county clerk shall, for each person seeking to become a candidate for a county office or local school board office that is to be filled at the next general election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).
 - (b) A conflict of interest disclosure statement shall:
 - (i) be divided into sections representing each item of information described in Subsections 20A-11-1604(6)(a) through (n); and
 - (ii) immediately beneath each section, include a space for the candidate to provide a written response.
- (2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)
 - (a) shall complete the conflict of interest disclosure statement and submit the statement to the county clerk at the time the candidate files a declaration of candidacy.
- (3) A candidate is not required to comply with Subsection (2) if the candidate:
 - (a) currently holds the office for which the candidate seeks reelection;
 - (b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (3)(a), in accordance with:
 - (i) for a county office, Section 17-16a-13; or
 - (ii) for a local school board office, Section 67-16-16; and

- (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of interest disclosure statement described in Subsection (3)(b) is updated and accurate as of the date of filing the declaration of candidacy.
- (4) Except as provided in Subsection (3), a county clerk:
 - (a) may not accept a declaration of candidacy from a candidate for an office described in Subsection (1)(a) until the county clerk receives a complete conflict of interest disclosure statement from the candidate; and
 - (b) shall make a candidate's conflict of interest disclosure statement available for public inspection by posting an electronic copy of the statement on the county's website.
- (5) A county clerk shall ensure that a candidate's conflict of interest disclosure statement remains posted on the website described in Subsection (4)(b) until:
 - (a) the candidate resigns or is disqualified as a candidate; or
 - (b) the day after the day of the official canvass for the general election.
- (6)
 - (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section.
 - (b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the prevailing party.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

Part 4

Campaign Finance and County Officers and Other Local Officials

17-70-401 Definitions.

As used in this part:

- (1)
 - (a) "Contribution" means any of the following when done for a political purpose:
 - (i) a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to the filing entity;
 - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to the filing entity;
 - (iii) any transfer of funds from another reporting entity to the filing entity;
 - (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
 - (v) a loan made by a county office candidate or local school board candidate deposited into the county office candidate's or local school board candidate's own campaign account; or
 - (vi) an in-kind contribution.
 - (b) "Contribution" does not include:
 - (i) services provided by an individual volunteering a portion or all of the individual's time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
 - (ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

- (iii) goods or services provided for the benefit of a county office candidate or local school board candidate at less than fair market value that are not authorized by or coordinated with the county office candidate or the local school board candidate.
- (2) "County office" means an office described in Section 17-66-102 that is required to be filled by an election.
- (3) "County office candidate" means an individual who:
 - (a) files a declaration of candidacy for a county office; or
 - (b) receives a contribution, makes an expenditure, or gives consent for any other person to receive a contribution or make an expenditure to bring about the individual's nomination or election to a county office.
- (4) "County officer" means an individual who holds a county office.
- (5)
 - (a) Except as provided in Subsection (5)(b), "expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:
 - (i) any disbursement from contributions, receipts, or the separate bank account required under Section 17-70-403;
 - (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for a political purpose;
 - (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
 - (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
 - (v) a transfer of funds between the filing entity and a county office candidate's, or a local school board candidate's, personal campaign committee; or
 - (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for a political purpose at less than fair market value.
 - (b) "Expenditure" does not include:
 - (i) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a reporting entity;
 - (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
 - (iii) anything described in Subsection (5)(a) that is given by a reporting entity to a candidate or officer in another state.
- (6) "Filing entity" means:
 - (a) a county office candidate;
 - (b) a county officer;
 - (c) a local school board candidate;
 - (d) a local school board member; or
 - (e) a reporting entity that is required to meet a campaign finance disclosure requirement adopted by a county in accordance with Section 17-70-403.
- (7) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.
- (8) "Local school board candidate" means an individual who:
 - (a) files a declaration of candidacy for local school board; or
 - (b) receives a contribution, makes an expenditure, or gives consent for any other person to receive a contribution or make an expenditure to bring about the individual's nomination or election to a local school board.

- (9)
- (a) "Personal use expenditure" means an expenditure that:
 - (i)
 - (A) is not excluded from the definition of personal use expenditure by Subsection (9)(c); and
 - (B) primarily furthers a personal interest of a county office candidate, county officer, local school board candidate, or a local school board member, or a member of a county office candidate's, county officer's, local school board candidate's, or local school board member's family; or
 - (ii) would cause the county office candidate, county officer, local school board candidate, or local school board member to recognize the expenditure as taxable income under federal law.
 - (b) "Personal use expenditure" includes:
 - (i) a mortgage, rent, utility, or vehicle payment;
 - (ii) a household food item or supply;
 - (iii) a clothing expense, except:
 - (A) clothing bearing the county office candidate's or local school board candidate's name or campaign slogan or logo that is used in the county office candidate's or local school board candidate's campaign;
 - (B) clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the county officer or local school board member represents or of which the county officer or local school board member is a member;
 - (C) repair or replacement of clothing that is damaged while the county office candidate or county officer is engaged in an activity of a county office candidate or county officer; or
 - (D) repair or replacement of clothing that is damaged while the local school board candidate or local school board member is engaged in an activity of a local school board candidate or local school board member;
 - (iv) admission to a sporting, artistic, or recreational event or other form of entertainment;
 - (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
 - (vi) a salary payment made to:
 - (A) a county office candidate, county officer, local school board candidate, or local school board member; or
 - (B) a person who has not provided a bona fide service to a county candidate, county officer, local school board candidate, or local school board member;
 - (vii) a vacation;
 - (viii) a vehicle expense;
 - (ix) a meal expense;
 - (x) a travel expense;
 - (xi) payment of an administrative, civil, or criminal penalty;
 - (xii) satisfaction of a personal debt;
 - (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
 - (xiv) a membership fee for a professional or service organization; and
 - (xv) a payment in excess of the fair market value of the item or service purchased.
 - (c) "Personal use expenditure" does not include an expenditure made:
 - (i) for a political purpose;
 - (ii) for candidacy for county office or local school board;
 - (iii) to fulfill a duty or activity of a county officer or local school board member;

- (iv) for a donation to a registered political party;
 - (v) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
 - (vi) to return all or a portion of a contribution to a contributor;
 - (vii) for the following items, if made in connection with the candidacy for county office or local school board, or an activity or duty of a county officer or local school board member:
 - (A) a mileage allowance at the rate established by the political subdivision that provides the mileage allowance;
 - (B) for motor fuel or special fuel, as defined in Section 59-13-102;
 - (C) a meal expense;
 - (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
 - (E) a payment for a service provided by an attorney or accountant;
 - (F) a tuition payment or registration fee for participation in a meeting or conference;
 - (G) a gift;
 - (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office space;
 - (I) a booth at a meeting or event; or
 - (J) educational material;
 - (viii) to purchase or mail informational material, a survey, or a greeting card;
 - (ix) for a donation to a charitable organization, as defined in Section 13-22-101, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-101;
 - (x) to repay a loan a county office candidate or local school board candidate makes from the candidate's personal account to the candidate's campaign account;
 - (xi) to pay membership dues to a national organization whose primary purpose is to address general public policy;
 - (xii) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the county candidate's, county officer's, local school board candidate's, or local school board member's community;
 - (xiii) for one or more guests of a county office candidate, county officer, local school board candidate, or local school board member to attend an event, meeting, or conference described in this Subsection (9)(c);
 - (xiv) that is connected with the performance of an activity as a county office candidate or local school board member, or an activity or duty of a county officer or local school board member; or
 - (xv) to pay childcare expenses of:
 - (A) a candidate while the candidate is engaging in campaign activity; or
 - (B) an officeholder while the officeholder is engaging in the duties of an officeholder.
- (10) "Political purpose" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking an office at any caucus, political convention, or election.
- (11) "Reporting entity":
- (a) means the same as that term is defined in Section 20A-11-101; and
 - (b) includes a county office candidate, a county office candidate's personal campaign committee, a county officer, a local school board candidate, a local school board candidate's personal campaign committee, and a local school board member.

Amended by Chapter 95, 2026 General Session

17-70-402 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

- (1) A county office candidate, county officer, local school board candidate, or local school board member may not use money deposited into the separate bank account required under Section 17-70-403 for:
 - (a) a personal use expenditure; or
 - (b) an expenditure prohibited by law.
- (2)
 - (a) A county clerk shall enforce this section prohibiting a personal use expenditure by:
 - (i) evaluating a financial statement to identify a personal use expenditure; and
 - (ii) commencing an adjudicative proceeding in accordance with applicable county ordinance or policy if the county clerk has probable cause to believe a county office candidate, county officer, local school board candidate, or local school board member has made a personal use expenditure.
 - (b) Following the adjudicative proceeding described in Subsection (2)(a)(ii), the county clerk may issue a signed order requiring a county office candidate, county officer, local school board candidate, or local school board member who has made a personal use expenditure to:
 - (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the county clerk; and
 - (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
 - (c) The county clerk shall deposit money received under Subsection (2)(b)(i) into the county's general fund.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-403 Campaign financial disclosure in county elections.

- (1) A county shall adopt an ordinance establishing campaign finance disclosure requirements for:
 - (a) candidates for county office; and
 - (b) candidates for local school board office who reside in that county.
- (2) The ordinance required by Subsection (1) shall include:
 - (a) a requirement that each candidate for county office or local school board office report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;
 - (b) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;
 - (c) a requirement that the financial reports identify:
 - (i) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and
 - (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
 - (d) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account into a financial institution;
 - (e) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account;
 - (f) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:

- (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a county office or local school board office file the financial report described in Subsection (2)(c) with the county clerk:
- (i) for a county office vacancy described in Subsection 20A-1-508(3) or (7), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as the individual the political party selects to fill the vacancy;
 - (ii) for a county or district attorney office vacancy described in Subsection 20A-1-509.1(5)(a), no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy;
 - (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
 - (A) no later than the deadline for the candidate to submit an application to fill the vacancy under Subsection 20A-1-509.2(2)(c); and
 - (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an application to fill the vacancy, no later than three business days before the day on which the political party of the prior officeholder submits the candidate's name to the county legislative body as one of the three individuals the party nominates to fill the vacancy; or
 - (iv) for a local school board office vacancy, no later than three business days before the day on which the local school board meets to interview each candidate interested in filling the vacancy in accordance with Section 20A-1-511; and
- (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g), the county clerk immediately submit a copy of the report to the county legislative body.
- (3)
- (a) As used in this Subsection (3), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (2)(d); and
 - (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
 - (b) The ordinance required by Subsection (1) shall include a requirement that a candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:
 - (i) since the last financial report was filed; or
 - (ii) that has not been reported under a statute or ordinance that governs the account.
- (4) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (5) through (10).
- (5) A candidate for elective office in a county or local school board office:
- (a) shall deposit a contribution into a separate campaign account in a financial institution; and
 - (b) may not deposit or mingle any contributions received into a personal or business account.

- (6) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:
 - (a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and
 - (b) no later than 30 days after the date of the regular general election.
- (7)
 - (a) The statement filed seven days before the regular general election shall include:
 - (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
 - (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
 - (b) The statement filed 30 days after the regular general election shall include:
 - (i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and
 - (ii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.
- (8)
 - (a) As used in this Subsection (8), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (5)(a); and
 - (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
 - (b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (6) or (7):
 - (i) a contribution deposited into an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account; or
 - (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.
- (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:
 - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3) or (19), Internal Revenue Code.
- (10) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.
- (11)
 - (a) A candidate seeking appointment to fill a midterm vacancy in a county office or local school board office shall:
 - (i) comply with Subsections (5) and (9); and
 - (ii) file a signed campaign financial statement with the county clerk no later than the deadline described in Subsection (2)(g).

- (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii), the county clerk shall immediately submit a copy of the statement to the county legislative body.
- (12) Any individual who fails to comply with this section is guilty of an infraction.
- (13)
 - (a) Counties may, by ordinance, enact requirements that:
 - (i) require greater disclosure of campaign contributions and expenditures; and
 - (ii) impose additional penalties.
 - (b) The requirements described in Subsection (13)(a) apply to a local school board office candidate who resides in that county.
- (14) If a candidate fails to file an interim report due before the election, the county clerk:
 - (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
 - (i) that the candidate failed to timely file the report; and
 - (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and
 - (b) impose a fine of \$100 on the candidate.
- (15)
 - (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (14) within 24 hours after the deadline for filing the report.
 - (b) The political party of a candidate who is disqualified under Subsection (15)(a) may not replace the candidate.
 - (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (16) If a candidate is disqualified under Subsection (15)(a), the election official:
 - (a) shall:
 - (i) notify every opposing candidate for the county office that the candidate is disqualified;
 - (ii) send an email notification to each voter who is eligible to vote in the county election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted, if the candidate is disqualified 65 or fewer days before the election;
 - (iii) post notice of the disqualification on the county's website; and
 - (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
 - (b) may not count any votes for that candidate.
- (17) An election official may fulfill the requirement described in Subsection (16)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the county's website to inform the voter whether a candidate on the ballot is disqualified.
- (18) A candidate is not disqualified if:
 - (a) the candidate files the interim reports described in Subsection (14) no later than 24 hours after the applicable deadlines for filing the reports;
 - (b) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(19)

- (a) A report is considered timely filed if:
 - (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;
 - (ii) the report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
 - (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.

(20)

- (a) Any private party in interest may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or any ordinance adopted under this section.
- (b) In a civil action filed under Subsection (20)(a), the court shall award costs and attorney fees to the prevailing party.

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

- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- (b) make the campaign finance statement filed by a candidate available for public inspection by:
 - (i) posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and
 - (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (21)(b)(i) no later than two business days after the day the statement is filed.

Amended by Chapter 105, 2026 General Session

Part 5

Disclosure Duties Applicable to All County Officers

17-70-501 Definitions.

As used in this part:

- (1)
 - (a) "Appointed officer" means an individual appointed to:
 - (i) a statutory office or position; or
 - (ii) a position of employment with a county, except a special employee.
 - (b) "Appointed officer" includes an individual serving on a special, regular, or full-time committee, agency, or board, regardless of whether the individual is compensated for the individual's services.
 - (c) "Appointed officer" does not include an elected officer.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to an individual or business entity,

believing that such action is of help, aid, advice, or assistance to such individual or business entity and with the intent to so assist the individual or business entity.

- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Elected officer" means an individual elected or appointed to an office in the county.
- (6) "Governmental action" means an action on the part of a county including:
 - (a) a decision, determination, finding, ruling, or order;
 - (b) a grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval; or
 - (c) the denial of, or failure to act upon, a matter described in Subsection (6)(a) or (b).
- (7) "Officer" means an appointed officer or an elected officer.
- (8) "Special employee" means an individual hired on the basis of a contract to perform a special service for the county following a public bid.
- (9) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, and the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-502 Purposes.

The purposes of this part are to:

- (1) establish standards of conduct for county officers and county employees; and
- (2) require county officers and county employees to disclose conflicts of interest between their public duties and their personal interests.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-503 Prohibited use of official position -- Exception.

- (1) Except as provided in Subsection (3) or (5), it is an offense for an officer to:
 - (a) disclose confidential information acquired by reason of the officer's official position;
 - (b) use the information described in Subsection (1)(a) to secure special privileges or exemptions for the officer or others;
 - (c) use or attempt to use the officer's official position to secure special privileges for the officer or for others; or
 - (d) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for the officer or for another, if the gift or loan tends to influence the officer in the discharge of the officer's official duties.
- (2) This section does not apply to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) political campaign contributions subject to Section 17-70-403.
- (3) A member of a county legislative body who is also a member of the governing board of a provider of mental health or substance abuse services under contract with the county does not

commit an offense under Subsection (1)(a), (b), or (c) by discharging, in good faith, the duties and responsibilities of each position, if the county legislative body member does not participate in the process of selecting the mental health or substance abuse service provider.

- (4) Notwithstanding the provisions of this section, a county or county official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.
- (5) This section does not apply to an officer who engages in conduct that constitutes a violation of this section to the extent that the officer is chargeable, for the same conduct, under Section 76-8-105.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-504 Compensation for assistance in transaction involving county -- Public disclosure and filing required.

- (1) An officer may not receive or agree to receive compensation for assisting an individual or business entity in a transaction involving the county in which the officer is elected or appointed unless the officer:
 - (a) files with the county legislative body a sworn statement disclosing the information described in Subsection (5);
 - (b) discloses in open meeting to the members of the body of which the officer is a member, immediately before the discussion, the information described in Subsection (5); and
 - (c) for an officer who is an elected officer, files the sworn statement described in Subsection (1)(a) with the county clerk.
- (2) An officer shall file the sworn statement described in Subsection (1)(a) on or before the earlier of:
 - (a) 10 days before the date on which the officer and the person or business entity being assisted enter into an agreement; or
 - (b) 10 days before the date on which the officer receives compensation.
- (3) In accordance with Subsection (1)(c), an elected officer shall file the sworn statement with the county clerk on or before the earlier of the deadlines described in Subsections (2)(a) and (b).
- (4) A county clerk who receives the sworn statement described in Subsection (1)(a) shall:
 - (a) post a copy of the sworn statement on the county's website; and
 - (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
- (5) The sworn statement described in Subsection (1)(a) is public information and is available for examination by the public.
- (6) The sworn statement and public disclosure described in Subsection (1) shall contain the following information:
 - (a) the name and address of the officer;
 - (b) the name and address of the individual or business entity being or to be assisted, or in which the officer has a substantial interest; and
 - (c) a brief description of:
 - (i) the transaction as to which service is rendered or is to be rendered; and
 - (ii) the nature of the service performed or to be performed.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-505 Interest in business entity regulated by county -- Disclosure.

- (1) An officer under this part who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity that is subject to the regulation of the county in which the officer is appointed or elected shall disclose the position held and the precise nature and value of the officer's interest:
 - (a) upon first becoming appointed or elected; and
 - (b) during January of each year during which the officer continues to be an appointed or elected officer.
- (2) An officer shall make the disclosure described in Subsection (1) in a sworn statement filed with:
 - (a) the county legislative body; and
 - (b) if the officer is an elected officer, the county clerk.
- (3) The commission shall:
 - (a) report the substance of the sworn statement described in Subsection (2) to the members of the governing body; or
 - (b) provide a copy of the sworn statement described in Subsection (2) to the members of the governing body no later than 30 days after the day on which the commission receives the statement.
- (4) A county clerk who receives the sworn statement described in Subsection (2) shall:
 - (a) post a copy of the sworn statement on the county's website; and
 - (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
- (5)
 - (a) This section does not apply to instances where the value of the interest does not exceed \$5,000.
 - (b) A life insurance policy or an annuity may not be considered in determining the value of the interest.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-506 Interest in business entity doing business with county -- Disclosure.

- (1) An officer under this part who is an officer, director, agent, or employee, or owner of a substantial interest in a business entity that does or anticipates doing business with the county in which the officer is appointed or elected shall:
 - (a) publicly disclose:
 - (i) the conflict of interest to the members of the body of which the officer is a member immediately before a discussion by the body on matters relating to the business entity; and
 - (ii) the nature of the officer's interest in the business entity; and
 - (b) for an officer who is an elected officer, file a sworn statement describing the conflict of interest with the county clerk.
- (2) The public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting where an officer makes the public disclosure.
- (3) A county clerk who receives the sworn statement described in Subsection (1)(b) shall:
 - (a) post a copy of the sworn statement on the county's website; and
 - (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-507 Investment creating conflict of interest with duties -- Disclosure.

An officer who has a personal interest or investment that creates a potential or actual conflict between the officer's personal interests and the officer's public duties shall disclose the conflict in the manner described in Section 17-70-505.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-508 Rescission of prohibited transaction.

If a transaction is entered into in connection with a violation of Section 17-70-505, the county may rescind or void a contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the county.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-509 Annual conflict of interest disclosure -- Penalties.

- (1) In addition to any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds county elective office:
 - (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the county clerk.
- (2)
 - (a) No later than 10 business days after the day on which an elected officer submits the written disclosure described in Subsection (1) to the county clerk, the county clerk shall:
 - (i) post an electronic copy of the written disclosure statement on the county's website; and
 - (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
 - (b) The county clerk shall ensure that the elected officer's written disclosure statement remains posted on the county's website until the elected officer leaves office.
- (3) A county clerk shall take the action described in Subsection (4) if:
 - (a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or
 - (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the county clerk shall, within five days after the day on which the county clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
- (5)
 - (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).
 - (b) An officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
 - (c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (5)(b), the county clerk shall impose a civil fine of \$100 against an elected officer who violates Subsection (5)(a).
- (6) The county clerk shall deposit a fine collected under this part into the county's general fund as a dedicated credit to pay for the costs of administering this section.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-510 Prohibitions -- Violations.

- (1) In addition to any penalty contained in any other provision of law, an individual who knowingly and intentionally violates this part:
 - (a) is guilty of a class A misdemeanor; and
 - (b) shall be dismissed from employment or removed from office.
- (2) No person shall induce or seek to induce an officer to violate any of the provisions of this part.

Renumbered and Amended by Chapter 13, 2025 Special Session 1

17-70-511 County ethics commission -- Complaints charging violations -- Procedure.

- (1) A county may establish by ordinance an ethics commission to review a complaint, except as provided in Subsection (3), against a county officer or county employee subject to this part for a violation of a provision of this part.
- (2)
 - (a) Except as provided in Subsection (3), a person filing a complaint for a violation of this part shall file the complaint:
 - (i) with the county ethics commission, if the county has established a county ethics commission in accordance with Subsection (1); or
 - (ii) with the Political Subdivisions Ethics Review Commission established in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the county has not established a county ethics commission.
 - (b) A county that receives a complaint described in Subsection (2)(a) may:
 - (i) accept the complaint if the county has established a county ethics commission in accordance with Subsection (1); or
 - (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
 - (A) regardless of whether the county has established a county ethics commission; or
 - (B) if the county has not established a county ethics commission.
- (3) Any complaint against an individual who is under the merit system, charging the individual with a violation of this part, shall be filed and processed in accordance with the provisions of the merit system.

Renumbered and Amended by Chapter 13, 2025 Special Session 1