

Effective 5/14/2019

**Part 16
Conflict of Interest Disclosures**

20A-11-1601 Title.

This part is known as "Conflict of Interest Disclosures."

Amended by Chapter 266, 2019 General Session

20A-11-1602 Definitions.

As used in this part:

- (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an individual or entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required under Section 20A-11-1604.
- (3) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.
- (4) "Local official" means:
 - (a) an elected officer of:
 - (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; or
 - (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure Act;
 - (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; or
 - (c) another individual:
 - (i) who is not a regulated officeholder; and
 - (ii) who is required to annually make a conflict of interest disclosure in accordance with Subsection 20A-11-1604(6).
- (5) "Filing officer" means:
 - (a) the lieutenant governor, for the office of a state constitutional officer or State Board of Education member; or
 - (b) the lieutenant governor or the county clerk in the county of the candidate's residence, for a state legislative office.
- (6) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- (7) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- (8)

- (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:
 - (i) the entity or a portion of the entity; or
 - (ii) an employee, agent, or independent contractor of the entity.
- (b) "Owner or officer" includes:
 - (i) a member of a board of directors or other governing body of an entity; or
 - (ii) a partner in any type of partnership.
- (9) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.
- (10) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.
- (11) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.
- (12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

Amended by Chapter 443, 2024 General Session

20A-11-1602.5 Candidate and Officeholder Conflict of Interest Disclosure Website.

- (1) The lieutenant governor shall, in cooperation with the county clerks, establish and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
- (2) The website shall:
 - (a) permit a candidate or officeholder to securely access the website for the purpose of:
 - (i) complying with the conflict of interest disclosure requirements described in this part; and
 - (ii) editing conflict of interest disclosures;
 - (b) contain a record of all conflict of interest disclosures and edits made by the candidate or officeholder for at least the preceding four years;
 - (c) permit any person to view a conflict of interest disclosure made by a candidate or officeholder; and
 - (d) contain a link to the conflict of interest disclosure made by a local official.

Amended by Chapter 443, 2024 General Session

20A-11-1603 Conflict of interest disclosure -- Required when filing for candidacy -- Public availability.

- (1)
 - (a) Except as provided in Subsection (1)(c), candidates seeking the following offices shall make a complete conflict of interest disclosure on the website at the time of filing a declaration of candidacy:
 - (i) state constitutional officer;
 - (ii) state legislator; or
 - (iii) State Board of Education member.
 - (b) A candidate who fails to comply with Subsection (1)(a) shall make a complete conflict of interest disclosure on the website no later than 5:00 p.m. on January 10.
 - (c) A candidate is not required to comply with Subsection (1)(a) if the candidate:
 - (i) currently holds the office for which the candidate is seeking reelection;
 - (ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection (1)(c)(i), in accordance Section 20A-11-1604; and

- (iii) at the time the candidate files the declaration of candidacy, indicates, in writing, that the conflict of interest disclosure described in Subsection (1)(c)(ii) is updated and accurate as of the date of filing the declaration of candidacy.
- (2) Except as provided in Subsection (1)(c), a filing officer:
 - (a) shall provide electronic notice to a candidate who fails to comply with Subsection (1)(a) that the candidate must make a complete conflict of interest disclosure on the website no later than the deadline described in Subsection (1)(b); and
 - (b) may not accept a declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a complete conflict of interest disclosure on the website.
- (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same requirements and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604.
- (4) The lieutenant governor shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.

Amended by Chapter 45, 2023 General Session

20A-11-1604 Failure to disclose conflict of interest -- Failure to comply with reporting requirements.

- (1)
 - (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.
 - (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.
 - (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.
- (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
 - (a) on the official record of the action taken, for a state constitutional officer;
 - (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
 - (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
- (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
 - (a)
 - (i) no sooner than January 1 each year, and before January 11 each year; or
 - (ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and
 - (b) each time the state constitutional officer changes employment.
- (4) A legislator shall make a complete conflict of interest disclosure on the website:

- (a)
 - (i) no sooner than January 1 each year, and before January 11 each year; or
 - (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and
 - (b) each time the legislator changes employment.
- (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:
- (a)
 - (i) no sooner than January 1 each year, and before January 11 each year; or
 - (ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and
 - (b) each time the member changes employment.
- (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- (a) the regulated officeholder's name;
 - (b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;
 - (c) for each employer described in Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
 - (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
 - (i) the name of the entity;
 - (ii) a brief description of the type of business or activity conducted by the entity; and
 - (iii) the regulated officeholder's position in the entity;
 - (e) in accordance with Subsection (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:
 - (i) the name of the individual or entity; and
 - (ii) a brief description of the type of business or activity conducted by the individual or entity;
 - (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:
 - (i) the name of the entity; and
 - (ii) a brief description of the type of business or activity conducted by the entity;
 - (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid position on a board of directors:
 - (i) the name of the entity or organization;
 - (ii) a brief description of the type of business or activity conducted by the entity; and
 - (iii) the type of position held by the regulated officeholder;
 - (h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;
 - (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;
 - (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);
 - (k) a brief description of the employment and occupation of each adult who:

- (i) resides in the regulated officeholder's household; and
 - (ii) is not related to the regulated officeholder by blood or marriage;
 - (l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
 - (m) the date the form was completed;
 - (n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
 - (o) the signature of the regulated officeholder.
- (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.
- (8) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- (9) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- (11)
- (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.
 - (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

Amended by Chapter 170, 2022 General Session

20A-11-1605 Failure to file -- Penalties.

- (1) Within 60 days after the day on which a regulated officeholder is required to file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the lieutenant governor shall review each filed conflict of interest disclosure to ensure that:
- (a) each regulated officeholder who is required to file a conflict of interest disclosure has filed one; and
 - (b) each conflict of interest disclosure contains the information required under Section 20A-11-1604.
- (2) The lieutenant governor shall take the action described in Subsection (3) if:
- (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
 - (b) a filed conflict of interest disclosure does not comply with the requirements of Section 20A-11-1604; or
 - (c) the lieutenant governor receives a written complaint alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor determines that a violation occurred.
- (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, within five days after the day on which the lieutenant governor determines that a violation occurred,

notify the regulated officeholder of the violation and direct the regulated officeholder to file an amended report correcting the problem.

- (4)
- (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of interest disclosure within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).
 - (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
 - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- (5) The lieutenant governor shall deposit a fine collected under this part into the General Fund as a dedicated credit to pay for the costs of administering the provisions of this part.

Amended by Chapter 20, 2021 General Session

20A-11-1606 Link to conflict of interest disclosure on Legislature's website.

The Legislature's website shall include, for each legislative officeholder, a link to the conflict of interest disclosure on the website maintained by the lieutenant governor in relation to that legislative officeholder.

Amended by Chapter 266, 2019 General Session