

**POLITICAL ACTIVITIES AND ELECTIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

**General Description:**

This bill amends provisions relating to the regulation of candidates, officeholders, and lobbyists.

**Highlighted Provisions:**

This bill:

- ▶ clarifies penalty provisions of the Election Code;
- ▶ modifies provisions addressing the notification provided by the Department of Corrections to the lieutenant governor regarding convicted felons;
- ▶ defines the term "filing officer" for different portions of the Election Code;
- ▶ clarifies the information that the lieutenant governor includes in a ballot certification;
- ▶ modifies provisions relating to filling a State Board of Education candidate vacancy and a State Board of Education office vacancy;
- ▶ addresses the handling of, and access to, a financial disclosure form filed by a candidate;
- ▶ shortens the deadline for a filing officer to forward a financial disclosure form to the lieutenant governor;
- ▶ clarifies the definition of an "expenditure" under the Lobbyist Disclosure and



28 Regulation Act; and  
29       ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36       **20A-1-601**, as last amended by Laws of Utah 2008, Chapter 276
- 37       **20A-1-602**, as last amended by Laws of Utah 2008, Chapter 276
- 38       **20A-1-603**, as last amended by Laws of Utah 2008, Chapter 276
- 39       **20A-1-604**, as last amended by Laws of Utah 2016, Chapter 303
- 40       **20A-1-605**, as enacted by Laws of Utah 1993, Chapter 1
- 41       **20A-1-606**, as last amended by Laws of Utah 2008, Chapter 276
- 42       **20A-1-609**, as last amended by Laws of Utah 2016, Chapter 365
- 43       **20A-1-610**, as enacted by Laws of Utah 1993, Chapter 1
- 44       **20A-2-109**, as last amended by Laws of Utah 2011, Chapter 333
- 45       **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16
- 46       **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 47       **20A-11-1305**, as last amended by Laws of Utah 2016, Chapter 28
- 48       **20A-11-1602**, as last amended by Laws of Utah 2014, Chapter 18
- 49       **20A-11-1603**, as last amended by Laws of Utah 2014, Chapter 18
- 50       **36-11-102**, as last amended by Laws of Utah 2015, Chapters 32, 188, and 264

51 REPEALS:

- 52       **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 53       **20A-14-106**, as enacted by Laws of Utah 1995, Chapter 1



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

56       Section 1. Section **20A-1-601** is amended to read:

57       **20A-1-601. Bribery in elections -- Paying for votes -- Penalties.**

58       (1) A person may not, directly or indirectly, by himself or through any other person:

59 (a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or  
60 other valuable consideration to or for any voter or to or for any other person:

61 (i) to induce the voter to vote or refrain from voting at any election provided by law;

62 (ii) to induce any voter to vote or refrain from voting at an election for any particular  
63 person or measure;

64 (iii) to induce a voter to go to the polls or remain away from the polls at any election;

65 (iv) because a voter voted or refrained from voting for any particular person, or went to  
66 the polls or remained away from the polls; or

67 (v) to obtain the political support or aid of any person at an election;

68 (b) give, offer, or promise any office, place, or employment, or to promise or procure,  
69 or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any  
70 other person, in order to:

71 (i) induce a voter to vote or refrain from voting at any election;

72 (ii) induce any voter to vote or refrain from voting at an election for any particular  
73 person or measure; or

74 (iii) obtain the political support or aid of any person;

75 (c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the  
76 use of, any other person with the intent that the money or other valuable thing be used in  
77 bribery at any election provided by law; or

78 (d) knowingly pay, or cause to be paid, any money or other valuable thing to any  
79 person in discharge or repayment of any money expended wholly or in part in bribery at any  
80 election.

81 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections  
82 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a  
83 third degree felony.

84 Section 2. Section **20A-1-602** is amended to read:

85 **20A-1-602. Receiving bribe -- Receiving payments for votes -- Penalties.**

86 (1) A person may not, for himself or for any other person, directly or indirectly, by  
87 himself or through any person, before, during, or after any election:

88 (a) receive, agree to receive, or contract for any money, gift, loan, or other valuable  
89 consideration, office, place, or employment for:

- 90 (i) voting or agreeing to vote;
- 91 (ii) going or agreeing to go to the polls;
- 92 (iii) remaining or agreeing to remain away from the polls; or
- 93 (iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or
- 94 refraining or agreeing to refrain from voting, for any particular person or measure at any
- 95 election provided by law; or

96 (b) receive any money or other valuable thing because the person induced any other

97 person to:

- 98 (i) vote or refrain from voting; or
- 99 (ii) vote or refrain from voting for any particular person or measure at any election
- 100 provided by law.

101 (2) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections

102 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a

103 third degree felony.

104 Section 3. Section **20A-1-603** is amended to read:

105 **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records**

106 **-- Penalties.**

107 (1) (a) A person may not fraudulently vote on behalf of himself or another, by:

- 108 (i) voting more than once at any one election;
- 109 (ii) knowingly handing in two or more ballots folded together;
- 110 (iii) changing any ballot after it has been cast or deposited in the ballot box;
- 111 (iv) adding or attempting to add any ballot or vote to those legally polled at any
- 112 election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either
- 113 before or after the ballots have been counted;

114 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots

115 lawfully polled while those ballots are being counted or canvassed, or at any other time; or

116 (vi) voting in a voting district or precinct when the person knew or should have known

117 that the person was not eligible for voter registration in that district or precinct, unless the

118 person is legally entitled to vote the ballot under Section 20A-4-107 or another provision of

119 this title.

120 (b) A person may not fraudulently interfere with an election by:

- 121 (i) willfully detaining, mutilating, or destroying any election returns;
- 122 (ii) in any manner, interfering with the officers holding an election or conducting a  
123 canvass, or with the voters lawfully exercising their rights of voting at an election, so as to  
124 prevent the election or canvass from being fairly held or lawfully conducted;
- 125 (iii) engaging in riotous conduct at any election, or interfering in any manner with any  
126 election official in the discharge of the election official's duties;
- 127 (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or  
128 declare the result of any election or to give or make any certificate, document, or evidence in  
129 relation to any election, to violate or refuse to comply with the election officer's duty or any law  
130 regulating the election officer's duty;
- 131 (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or  
132 other thing from a polling place, or from the possession of the person authorized by law to have  
133 the custody of that thing; or
- 134 (vi) aiding, counseling, providing, procuring, advising, or assisting any person to do  
135 any of the acts specified in this section.

136 (2) In addition to the penalties established in ~~[Section 20A-1-609]~~ Subsections  
137 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a  
138 class A misdemeanor.

139 Section 4. Section **20A-1-604** is amended to read:

140 **20A-1-604. Destroying instruction cards, sample ballots, or election**  
141 **paraphernalia -- Penalties.**

- 142 (1) A person may not:
- 143 (a) willfully deface or destroy any list of candidates posted in accordance with the  
144 provisions of this title;
- 145 (b) willfully deface, tear down, remove or destroy any card of instruction or sample  
146 ballot, printed or posted for the instruction of voters during an election;
- 147 (c) willfully remove or destroy any of the supplies or conveniences furnished to enable  
148 a voter to prepare the voter's ballot during an election; or
- 149 (d) willfully hinder the voting of others.

150 (2) In addition to the penalties established in ~~[Section 20A-1-609]~~ Subsections  
151 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of an

152 infraction.

153 Section 5. Section **20A-1-605** is amended to read:

154 **20A-1-605. Mutilating certificate of nomination -- Forging declination or**  
155 **resignation -- Tampering with ballots.**

156 (1) It is unlawful for any person to:

157 (a) falsely mark or willfully deface or destroy:

158 (i) any certificate of nomination or any part of a certificate of nomination; or

159 (ii) any letter of declination or resignation;

160 (b) file any certificate of nomination or letter of declination or resignation knowing it,  
161 or any part of it, to be falsely made;

162 (c) suppress any certificate of nomination, or letter of declination or resignation, or any  
163 part of a certificate of nomination or letter of declination or resignation that has been legally  
164 filed;

165 (d) forge any letter of declination or resignation;

166 (e) falsely make the official endorsement on any ballot;

167 (f) willfully destroy or deface any ballot;

168 (g) willfully delay the delivery of any ballots;

169 (h) examine any ballot offered or cast at the polls or found in any ballot box for any  
170 purpose other than to determine which candidate was elected; and

171 (i) make or place any mark or device on any ballot in order to determine the name of  
172 any person for whom the elector has voted.

173 (2) In addition to the penalties established in ~~[Section 20A-1-609]~~ Subsections  
174 20A-1-609(2) and (3), any person convicted of any of the offenses established by this section is  
175 guilty of a class A misdemeanor.

176 Section 6. Section **20A-1-606** is amended to read:

177 **20A-1-606. Wagering on elections forbidden.**

178 (1) (a) A candidate may not, before or during any primary or election campaign:

179 (i) make any bet or wager anything of pecuniary value on the result of the primary or  
180 election, or on any event or contingency relating to any pending primary or election;

181 (ii) become a party to any bet or wager on the result of a primary or election or on any  
182 event or contingency relating to any pending primary or election; and

183 (iii) provide money or any other valuable thing to be used by any other person in  
184 betting or wagering upon the results of any impending primary or election.

185 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections  
186 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a  
187 third degree felony.

188 (2) (a) A person who is not a candidate may not make any bet or wager anything of  
189 pecuniary value on the result of any primary or election, or on any event or contingency relating  
190 to any primary or election.

191 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections  
192 20A-1-609(2) and (3), a person who commits an offense under Subsection (2)(a) is guilty of a  
193 class B misdemeanor.

194 (3) (a) A person may not directly or indirectly make a bet or wager with any voter that  
195 is dependent upon the outcome of any primary or election with the intent to subject that voter  
196 to the possibility of challenge at a primary or election or to prevent the voter from voting at a  
197 primary or election.

198 (b) In addition to the penalties established in [~~Section 20A-1-609~~] Subsections  
199 20A-1-609(2) and (3), a person who commits an offense under Subsection (3)(a) is guilty of a  
200 class B misdemeanor.

201 Section 7. Section ~~20A-1-609~~ is amended to read:

202 **20A-1-609. Omnibus penalties.**

203 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of  
204 this title is guilty of a class B misdemeanor.

205 (b) Subsection (1)(a) does not apply to~~[(i)]~~ a provision of this title for which another  
206 penalty is expressly stated~~[:or]~~.

207 ~~[(ii)]~~ (c) An individual is not guilty of a crime for, by signing a petition for an initiative  
208 or referendum, falsely making the statement described in Subsection ~~20A-7-203(2)(e)~~,  
209 ~~20A-7-303(2)(h)~~, ~~20A-7-503(2)(e)~~, or ~~20A-7-603(2)(h)~~.

210 (2) Except as provided by Section ~~20A-2-101.3~~ or ~~20A-2-101.5~~, [~~a person~~] an  
211 individual convicted of any offense under this title may not:

212 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate  
213 for any office during the election cycle in which the violation occurred;

214 (b) take or hold the office to which ~~he~~ the individual was elected; and  
215 (c) receive the emoluments of the office to which ~~he~~ the individual was elected.

216 (3) (a) Any ~~person~~ individual convicted of any offense under this title forfeits the  
217 right to vote at any election unless the right to vote is restored as provided in Section  
218 [20A-2-101.3](#) or [20A-2-101.5](#).

219 (b) Any person may challenge the right to vote of a person described in Subsection  
220 (3)(a) by following the procedures and requirements of Section [20A-3-202](#).

221 Section 8. Section **20A-1-610** is amended to read:

222 **20A-1-610. Abetting violation of chapter -- Penalty.**

223 In addition to the penalties established in [~~Section 20A-1-609~~] Subsections  
224 [20A-1-609](#)(2) and (3), any person who aids, abets, or advises a violation of any provision of  
225 this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

226 Section 9. Section **20A-2-109** is amended to read:

227 **20A-2-109. Statewide voter registration database -- Lieutenant governor to create**  
228 **-- Counties to participate -- Maintenance of database -- Cooperation with governmental**  
229 **entities -- Record security -- List of incarcerated felons.**

230 (1) (a) (i) The lieutenant governor shall develop a statewide voter registration database.

231 (ii) (A) The lieutenant governor may compare the information in the statewide voter  
232 registration database with information submitted by a registered voter to a state agency to  
233 identify a change in a registered voter's principal place of residence or name.

234 (B) The lieutenant governor shall establish matching criteria and security measures for  
235 identifying a change described in Subsection (1)(a)(ii)(A) to ensure the accuracy of a voter  
236 registration record.

237 (C) The lieutenant governor shall notify the county clerk of the county in which the  
238 voter's principal place of residence is located of the change in the registered voter's principal  
239 place of residence or name.

240 (b) Each county clerk shall utilize the statewide voter registration database when  
241 recording or modifying voter registration records.

242 (2) (a) The lieutenant governor shall establish and implement a procedure to maintain  
243 the accuracy of the statewide voter registration database by using information available from:

244 (i) a voter;



245 (ii) a governmental entity, as defined by Section 63G-2-103; or

246 (iii) another state.

247 (b) Subject to Subsection (2)(c), the lieutenant governor may cooperate or enter into an  
248 agreement with a governmental entity or another state to share information to implement the  
249 procedure established under Subsection (2)(a).

250 (c) For a record shared under Subsection (2)(b), the lieutenant governor shall ensure:

251 (i) that the record is only used to maintain the accuracy of a voter registration database;

252 (ii) compliance with Section 63G-2-206; and

253 (iii) that the record is secure from unauthorized use by employing data encryption or  
254 another similar technology security system.

255 (3) (a) The lieutenant governor shall maintain a current list of all incarcerated felons in  
256 Utah.

257 (b) (i) The Department of Corrections shall provide the lieutenant governor's office  
258 with a list of the name and last-known address of each person who:

259 (A) was convicted of a felony in a Utah state court; and

260 (B) is currently incarcerated for commission of a felony.

261 (ii) The lieutenant governor shall establish the frequency of receipt of the information  
262 and the method of transmitting the information after consultation with the Department of  
263 Corrections.

264 (c) (i) The Department of Corrections shall provide the lieutenant governor's office  
265 with a list ~~[of]~~ containing the name of each convicted felon who ~~[is no longer subject to the~~  
266 ~~jurisdiction of the department because the person]~~ has been released from incarceration.

267 (ii) The lieutenant governor shall establish the frequency of receipt of the information  
268 and the method of transmitting the information after consultation with the Department of  
269 Corrections.

270 Section 10. Section 20A-9-101 is amended to read:

271 **20A-9-101. Definitions.**

272 As used in this chapter:

273 (1) (a) "Candidates for elective office" means persons who file a declaration of  
274 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,  
275 constitutional office, multicounty office, or county office.

- 276 (b) "Candidates for elective office" does not mean candidates for:
- 277 (i) justice or judge of court of record or not of record;
- 278 (ii) presidential elector;
- 279 (iii) any political party offices; and
- 280 (iv) municipal or local district offices.
- 281 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
- 282 attorney general, state auditor, and state treasurer.
- 283 (3) "Continuing political party" means the same as that term is defined in Section
- 284 [20A-8-101](#).
- 285 (4) (a) "County office" means an elective office where the officeholder is selected by
- 286 voters entirely within one county.
- 287 (b) "County office" does not mean:
- 288 (i) the office of justice or judge of any court of record or not of record;
- 289 (ii) the office of presidential elector;
- 290 (iii) any political party offices;
- 291 (iv) any municipal or local district offices; and
- 292 (v) the office of United States Senator and United States Representative.
- 293 (5) "Federal office" means an elective office for United States Senator and United
- 294 States Representative.
- 295 (6) "Filing officer" means:
- 296 (a) the lieutenant governor, for:
- 297 (i) the office of United States Senator and United States Representative; and
- 298 (ii) all constitutional offices;
- 299 (b) the county clerk, for county offices and local school district offices~~[, and]~~;
- 300 ~~(c)~~ (d) the county clerk in the filer's county of residence, for multicounty offices;
- 301 ~~[(c)]~~ (d) the city or town clerk, for municipal offices; and
- 302 ~~[(d)]~~ (e) the local district clerk, for local district offices.
- 303 (7) "Local district office" means an elected office in a local district.
- 304 (8) "Local government office" includes county offices, municipal offices, and local
- 305 district offices and other elective offices selected by the voters from a political division entirely
- 306 within one county.

307 (9) (a) "Multicounty office" means an elective office where the officeholder is selected  
308 by the voters from more than one county.

309 (b) "Multicounty office" does not mean:

310 (i) a county office;

311 (ii) a federal office;

312 (iii) the office of justice or judge of any court of record or not of record;

313 (iv) the office of presidential elector;

314 (v) any political party offices; and

315 (vi) any municipal or local district offices.

316 (10) "Municipal office" means an elective office in a municipality.

317 (11) (a) "Political division" means a geographic unit from which an officeholder is  
318 elected and that an officeholder represents.

319 (b) "Political division" includes a county, a city, a town, a local district, a school  
320 district, a legislative district, and a county prosecution district.

321 (12) "Qualified political party" means a registered political party that:

322 (a) (i) permits a delegate for the registered political party to vote on a candidate  
323 nomination in the registered political party's convention remotely; or

324 (ii) provides a procedure for designating an alternate delegate if a delegate is not  
325 present at the registered political party's convention;

326 (b) does not hold the registered political party's convention before the fourth Saturday  
327 in March of an even-numbered year;

328 (c) permits a member of the registered political party to seek the registered political  
329 party's nomination for any elective office by the member choosing to seek the nomination by  
330 either or both of the following methods:

331 (i) seeking the nomination through the registered political party's convention process,  
332 in accordance with the provisions of Section [20A-9-407](#); or

333 (ii) seeking the nomination by collecting signatures, in accordance with the provisions  
334 of Section [20A-9-408](#); and

335 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.  
336 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the  
337 election in the following year, the registered political party intends to nominate the registered

338 political party's candidates in accordance with the provisions of Section 20A-9-406; or  
339 (ii) if the registered political party is not a continuing political party, certifies at the  
340 time that the registered political party files the petition described in Section 20A-8-103 that, for  
341 the next election, the registered political party intends to nominate the registered political  
342 party's candidates in accordance with the provisions of Section 20A-9-406.

343 Section 11. Section 20A-9-407 is amended to read:

344 **20A-9-407. Convention process to seek the nomination of a qualified political**  
345 **party.**

346 (1) This section describes the requirements for a member of a qualified political party  
347 who is seeking the nomination of a qualified political party for an elective office through the  
348 qualified political party's convention process.

349 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
350 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
351 the nomination of, the qualified political party under this section shall be substantially as  
352 described in Section 20A-9-408.5.

353 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
354 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
355 nomination of the qualified political party for an elective office that is to be filled at the next  
356 general election, shall:

357 (a) file a declaration of candidacy in person with the filing officer on or after the  
358 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
359 regular general election; and

360 (b) pay the filing fee.

361 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
362 party who, under this section, is seeking the nomination of the qualified political party for the  
363 office of district attorney within a multicounty prosecution district that is to be filled at the next  
364 general election shall:

365 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
366 agreement creating the prosecution district on or after the second Friday in March and before 5  
367 p.m. on the third Thursday in March before the next regular general election; and

368 (b) pay the filing fee.

369 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
370 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
371 political party, under this section, for the office of governor shall, on or before 5 p.m. on the  
372 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter  
373 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket  
374 running mate.

375 (6) (a) A qualified political party that nominates a candidate under this section shall  
376 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday  
377 after the fourth Saturday in April.

378 (b) The lieutenant governor shall [~~ensure that the certification described in Subsection~~  
379 ~~20A-9-701(1) also includes~~] include, in the primary ballot certification or, for a race where a  
380 primary is not held because the candidate is unopposed, in the general election ballot  
381 certification, the name of each candidate nominated by a qualified political party under this  
382 section.

383 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
384 is nominated by a qualified political party under this section, designate the qualified political  
385 party that nominated the candidate.

386 Section 12. Section 20A-11-1305 is amended to read:

387 **20A-11-1305. School board office candidate -- Failure to file statement --**  
388 **Penalties.**

389 (1) [~~(a)~~] A school board office candidate who fails to file a financial statement by the  
390 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

391 [~~(b) If a school board office candidate fails to file an interim report described in~~  
392 ~~Subsections 20A-11-1303(1)(c)(ii) through (iv), the chief election officer shall, after making a~~  
393 ~~reasonable attempt to discover if the report was timely filed, inform the county clerk and other~~  
394 ~~appropriate election officials who:]~~

395 [~~(i) (A) shall, if practicable, remove the name of the candidate from the ballots before~~  
396 ~~the ballots are delivered to voters, or]~~

397 (2) If a school board office candidate fails to file an interim report described in  
398 Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic  
399 notice to the school board office candidate and the political party of which the school board

400 office candidate is a member, if any, that states:

401 (a) that the school board office candidate failed to timely file the report; and

402 (b) that, if the school board office candidate fails to file the report within 24 hours after  
403 the deadline for filing the report, the school board office candidate will be disqualified and the  
404 political party will not be permitted to replace the candidate.

405 (3) (a) The lieutenant governor shall disqualify a school board office candidate and  
406 inform the county clerk and other appropriate election officials that the school board office  
407 candidate is disqualified if the school board office candidate fails to file an interim report  
408 described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline  
409 for filing the report.

410 (b) The political party of a school board office candidate who is disqualified under  
411 Subsection (3)(a) may not replace the school board office candidate.

412 (4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the  
413 election officer shall:

414 (i) remove the school board office candidate's name from the ballot; or

415 ~~[(B)]~~ (ii) [shall,] if removing the school board office candidate's name from the ballot  
416 is not practicable, inform the voters by any practicable method that the school board office  
417 candidate has been disqualified and that votes cast for the school board office candidate will  
418 not be counted[; and].

419 ~~[(ii) may not count any votes for that candidate.]~~

420 ~~[(c) Any school board office candidate who fails to file timely a financial statement~~  
421 ~~required by Subsection 20A-11-1303(1)(c)(ii), (iii), or (iv) is disqualified.]~~

422 ~~[(d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is~~  
423 ~~not disqualified and the chief election officer may not impose a fine if:]~~

424 (b) An election officer may fulfill the requirement described in Subsection (4)(a) in  
425 relation to an absentee voter, including a military or overseas absentee voter, by including with  
426 the absentee ballot a written notice directing the voter to a public website that will inform the  
427 voter whether a candidate on the ballot is disqualified.

428 (5) A school board office candidate is not disqualified if:

429 ~~[(i) the candidate timely files the reports required by this section in accordance with~~  
430 ~~Section 20A-11-103;]~~

431 (a) the school board office candidate files the reports described in Subsections  
432 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for  
433 filing the reports;

434 ~~[(ii)]~~ (b) ~~[those]~~ the reports are completed, detailing accurately and completely the  
435 information required by this part except for inadvertent omissions or insignificant errors or  
436 inaccuracies; and

437 ~~[(iii)]~~ (c) ~~[those]~~ the omissions, errors, or inaccuracies described in Subsection  
438 ~~[(1)(d)(ii)]~~ (5)(b) are corrected in~~[:]~~ an amended report or the next scheduled report.

439 ~~[(A) an amended report; or]~~

440 ~~[(B) the next scheduled report.]~~

441 ~~[(2)]~~ (6) (a) Within 30 days after a deadline for the filing of a summary report ~~[by a~~  
442 ~~school board office candidate]~~, the lieutenant governor shall review each filed summary report  
443 to ensure that:

444 (i) each school board office candidate who is required to file a summary report has  
445 filed ~~[one]~~ the report; and

446 (ii) each summary report contains the information required by this part.

447 (b) If it appears that a school board office candidate has failed to file the summary  
448 report required by law, if it appears that a filed summary report does not conform to the law, or  
449 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
450 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
451 violation or receipt of a written complaint, notify the school board office candidate of the  
452 violation or written complaint and direct the school board office candidate to file a summary  
453 report correcting the problem.

454 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a  
455 summary report within seven days after receiving the notice described in Subsection (6)(b)  
456 from the lieutenant governor ~~[under this section]~~.

457 (ii) Each school board office candidate who violates Subsection ~~[(2)]~~ (6)(c)(i) is guilty  
458 of a class B misdemeanor.

459 (iii) The lieutenant governor shall report all violations of Subsection ~~[(2)]~~ (6)(c)(i) to  
460 the attorney general.

461 (iv) In addition to the criminal penalty described in Subsection ~~[(2)]~~ (6)(c)(ii), the

462 lieutenant governor shall impose a civil fine of \$100 against a school board office candidate  
463 who violates Subsection [~~(2)~~] (6)(c)(i).

464 Section 13. Section **20A-11-1602** is amended to read:

465 **20A-11-1602. Definitions.**

466 As used in this part:

467 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that  
468 the officeholder reasonably believes may cause direct financial benefit or detriment to the  
469 officeholder, a member of the officeholder's immediate family, or an individual or entity that  
470 the officeholder is required to disclose under the provisions of this section, if that benefit or  
471 detriment is distinguishable from the effects of that action on the public or on the officeholder's  
472 profession, occupation, or association generally.

473 (2) "Entity" means a corporation, a partnership, a limited liability company, a limited  
474 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint  
475 venture, a governmental entity, an unincorporated organization, or any other legal entity,  
476 regardless of whether it is established primarily for the purpose of gain or economic profit.

477 (3) "Filing officer" means:

478 (a) the lieutenant governor, for the office of a state constitutional officer or State Board  
479 of Education member; or

480 (b) the county clerk in the county of the candidate's residence, for a state legislative  
481 office.

482 [~~(3)~~] (4) "Immediate family" means the regulated officeholder's spouse, a child living  
483 in the regulated officeholder's immediate household, or an individual claimed as a dependent  
484 for state or federal income tax purposes by the regulated officeholder.

485 [~~(4)~~] (5) "Income" means earnings, compensation, or any other payment made to an  
486 individual for gain, regardless of source, whether denominated as wages, salary, commission,  
487 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,  
488 reimbursement, dividends, or otherwise.

489 [~~(5)~~] (6) (a) "Owner or officer" means an individual who owns an ownership interest in  
490 an entity or holds a position where the person has authority to manage, direct, control, or make  
491 decisions for:

492 (i) the entity or a portion of the entity; or



493 (ii) an employee, agent, or independent contractor of the entity.

494 (b) "Owner or officer" includes:

495 (i) a member of a board of directors or other governing body of an entity; or

496 (ii) a partner in any type of partnership.

497 ~~[(6)]~~ (7) "Preceding year" means the year immediately preceding the day on which the  
498 regulated officeholder files a financial disclosure form.

499 ~~[(7)]~~ (8) "Regulated officeholder" means an individual who is required to file a  
500 financial disclosure form under the provisions of this part.

501 ~~[(8)]~~ (9) "State constitutional officer" means the governor, the lieutenant governor, the  
502 state auditor, the state treasurer, or the attorney general.

503 Section 14. Section **20A-11-1603** is amended to read:

504 **20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**

505 **Public availability.**

506 (1) Candidates seeking the following offices shall file a financial disclosure with the  
507 filing officer at the time of filing a declaration of candidacy:

508 (a) state constitutional officer;

509 (b) state legislator; or

510 (c) State Board of Education member.

511 (2) A filing officer may not accept a declaration of candidacy for an office listed in  
512 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure  
513 required by this section.

514 (3) The financial disclosure form shall contain the same requirements and shall be in  
515 the same format as the financial disclosure form described in Section [20A-11-1604](#).

516 ~~[(4) The financial disclosure form shall:]~~

517 ~~[(a) be made available for public inspection at the filing officer's place of business;]~~

518 ~~[(b) if the filing officer is an individual other than the lieutenant governor, be provided  
519 to the lieutenant governor within five business days of the date of filing and be made publicly  
520 available at the Office of the Lieutenant Governor; and]~~

521 ~~[(c) be made publicly available on the Statewide Electronic Voter Information Website  
522 administered by the lieutenant governor.];~~

523 (4) The filing officer shall:

524 (a) make each financial disclosure form that the filing officer receives available for  
525 public inspection at the filing officer's place of business; and

526 (b) if the filing officer is not the lieutenant governor, provide each financial disclosure  
527 form to the lieutenant governor within one business day after the day on which the candidate  
528 files the financial disclosure form.

529 (5) The lieutenant governor shall make each financial disclosure form that the  
530 lieutenant governor receives available to the public:

531 (a) at the Office of the Lieutenant Governor; and

532 (b) on the Statewide Electronic Voter Information Website administered by the  
533 lieutenant governor.

534 Section 15. Section **36-11-102** is amended to read:

535 **36-11-102. Definitions.**

536 As used in this chapter:

537 (1) "Aggregate daily expenditures" means:

538 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
539 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
540 an individual public official;

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

544 (c) for a multicient lobbyist, the total of all expenditures made by the multicient  
545 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
546 whether the expenditures were attributed to different clients.

547 (2) "Approved activity" means a tour or a meeting:

548 (a) (i) to which a legislator is invited; and

549 (ii) attendance at which is approved by:

550 (A) the speaker of the House of Representatives, if the public official is a member of  
551 the House of Representatives; or

552 (B) the president of the Senate, if the public official is a member of the Senate; or

553 (b) (i) to which a public official who holds a position in the executive branch of state  
554 government is invited; and

555 (ii) attendance at which is approved by the governor or the lieutenant governor.

556 (3) "Capitol hill complex" means the same as that term is defined in Section  
557 63C-9-102.

558 (4) (a) "Compensation" means anything of economic value, however designated, that is  
559 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
560 services or ownership before any withholding required by federal or state law.

561 (b) "Compensation" includes:

562 (i) a salary or commission;

563 (ii) a bonus;

564 (iii) a benefit;

565 (iv) a contribution to a retirement program or account;

566 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
567 Code, and subject to Social Security deductions, including a payment in excess of the  
568 maximum amount subject to deduction under Social Security law;

569 (vi) an amount that the individual authorizes to be deducted or reduced for salary  
570 deferral or other benefits authorized by federal law; or

571 (vii) income based on an individual's ownership interest.

572 (5) "Compensation payor" means a person who pays compensation to a public official  
573 in the ordinary course of business:

574 (a) because of the public official's ownership interest in the compensation payor; or

575 (b) for services rendered by the public official on behalf of the compensation payor.

576 (6) "Event" means entertainment, a performance, a contest, or a recreational activity  
577 that an individual participates in or is a spectator at, including a sporting event, an artistic  
578 event, a play, a movie, dancing, or singing.

579 (7) "Executive action" means:

580 (a) a nomination or appointment by the governor;

581 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule  
582 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

583 (c) agency ratemaking proceedings; or

584 (d) an adjudicative proceeding of a state agency.

585 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when

586 given to or for the benefit of a public official unless consideration of equal or greater value is  
587 received:

- 588 (i) a purchase, payment, or distribution;
- 589 (ii) a loan, gift, or advance;
- 590 (iii) a deposit, subscription, or forbearance;
- 591 (iv) services or goods;
- 592 (v) money;
- 593 (vi) real property;
- 594 (vii) a ticket or admission to an event; or
- 595 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
596 any item listed in Subsections (8)(a)(i) through (vii).

597 (b) "Expenditure" does not mean:

- 598 (i) a commercially reasonable loan made in the ordinary course of business;
- 599 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,  
600 Campaign and Financial Reporting Requirements;
- 601 (iii) printed informational material that is related to the performance of the recipient's  
602 official duties;
- 603 (iv) a devise or inheritance;
- 604 (v) any item listed in Subsection (8)(a) if:
  - 605 (A) given by a relative;
  - 606 (B) given by a compensation payor for a purpose solely unrelated to the public  
607 official's position as a public official;
  - 608 (C) the item is food or beverage with a value that does not exceed the food  
609 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
610 the food reimbursement rate; or
  - 611 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
612 daily expenditures do not exceed \$10;
  - 613 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
614 following are invited:
    - 615 (A) all members of the Legislature;
    - 616 (B) all members of a standing or interim committee;

- 617 (C) all members of an official legislative task force;
- 618 (D) all members of a party caucus; or
- 619 (E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are  
620 attending a meeting of a national organization whose primary purpose is addressing general  
621 legislative policy;
- 622 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public  
623 official who is:
- 624 (A) giving a speech at the event, tour, or meeting;
- 625 (B) participating in a panel discussion at the event, tour, or meeting; or
- 626 (C) presenting or receiving an award at the event, tour, or meeting;
- 627 (viii) a plaque, commendation, or award that:
- 628 (A) is presented in public;
- 629 (B) has the name of the individual receiving the plaque, commendation, or award  
630 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
631 award;
- 632 (ix) a publication having a cash value not exceeding \$30;
- 633 (x) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
634 which is:
- 635 (A) to solicit contributions reportable under:
- 636 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
- 637 (II) 2 U.S.C. Sec. 434; or
- 638 (B) charitable solicitation, as defined in Section 13-22-2;
- 639 (xi) travel to, lodging at, food or beverage served at, and admission to an approved  
640 activity;
- 641 (xii) sponsorship of an event that is an approved activity;
- 642 (xiii) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or  
643 from an event, a tour, or a meeting:
- 644 (A) that is sponsored by a governmental entity; or
- 645 (B) that is widely attended and related to a governmental duty of a public official; or
- 646 (xiv) travel to a widely attended tour or meeting related to a governmental duty of a  
647 public official if that travel results in a financial savings to the state.

648 (9) "Food reimbursement rate" means the total amount set by the director of the  
649 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an  
650 employee of the executive branch, for an entire day.

651 (10) (a) "Government officer" means:

652 (i) an individual elected to a position in state or local government, when acting within  
653 the government officer's official capacity; or

654 (ii) an individual appointed to or employed in a full-time position by state or local  
655 government, when acting within the scope of the individual's employment.

656 (b) "Government officer" does not mean a member of the legislative branch of state  
657 government.

658 (11) "Immediate family" means:

659 (a) a spouse;

660 (b) a child residing in the household; or

661 (c) an individual claimed as a dependent for tax purposes.

662 (12) "Legislative action" means:

663 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
664 proposed in either house of the Legislature or its committees or requested by a legislator; and

665 (b) the action of the governor in approving or vetoing legislation.

666 (13) "Lobbying" means communicating with a public official for the purpose of  
667 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

668 (14) (a) "Lobbyist" means:

669 (i) an individual who is employed by a principal; or

670 (ii) an individual who contracts for economic consideration, other than reimbursement  
671 for reasonable travel expenses, with a principal to lobby a public official.

672 (b) "Lobbyist" does not include:

673 (i) a government officer;

674 (ii) a member or employee of the legislative branch of state government;

675 (iii) a person, including a principal, while appearing at, or providing written comments  
676 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
677 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

678 (iv) a person participating on or appearing before an advisory or study task force,

679 commission, board, or committee, constituted by the Legislature or any agency or department  
680 of state government, except legislative standing, appropriation, or interim committees;

681 (v) a representative of a political party;

682 (vi) an individual representing a bona fide church solely for the purpose of protecting  
683 the right to practice the religious doctrines of the church, unless the individual or church makes  
684 an expenditure that confers a benefit on a public official;

685 (vii) a newspaper, television station or network, radio station or network, periodical of  
686 general circulation, or book publisher for the purpose of publishing news items, editorials,  
687 other comments, or paid advertisements that directly or indirectly urge legislative or executive  
688 action;

689 (viii) an individual who appears on the individual's own behalf before a committee of  
690 the Legislature or an agency of the executive branch of state government solely for the purpose  
691 of testifying in support of or in opposition to legislative or executive action; or

692 (ix) an individual representing a business, entity, or industry, who:

693 (A) interacts with a public official, in the public official's capacity as a public official,  
694 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
695 interaction or while presenting at a legislative committee meeting at the same time that the  
696 registered lobbyist is attending another legislative committee meeting; and

697 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
698 interaction or during the period of interaction.

699 (15) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
700 any combination of lobbyists, principals, and officers who each contribute a portion of an  
701 expenditure made to benefit a public official or member of the public official's immediate  
702 family.

703 (16) "Meeting" means a gathering of people to discuss an issue, receive instruction, or  
704 make a decision, including a conference, seminar, or summit.

705 (17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
706 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
707 a public official or member of the public official's immediate family between two or more of  
708 those clients.

709 (18) "Principal" means a person that employs an individual to perform lobbying, either

710 as an employee or as an independent contractor.

711 (19) "Public official" means:

712 (a) (i) a member of the Legislature;

713 (ii) an individual elected to a position in the executive branch of state government; or

714 (iii) an individual appointed to or employed in a position in the executive or legislative  
715 branch of state government if that individual:

716 (A) occupies a policymaking position or makes purchasing or contracting decisions;

717 (B) drafts legislation or makes rules;

718 (C) determines rates or fees; or

719 (D) makes adjudicative decisions; or

720 (b) an immediate family member of a person described in Subsection (19)(a).

721 (20) "Public official type" means a notation to identify whether a public official is:

722 (a) (i) a member of the Legislature;

723 (ii) an individual elected to a position in the executive branch of state government;

724 (iii) an individual appointed to or employed in a position in the legislative branch of  
725 state government who meets the definition of public official under Subsection (19)(a)(iii); or

726 (iv) an individual appointed to or employed in a position in the executive branch of  
727 state government who meets the definition of public official under Subsection (19)(a)(iii); or

728 (b) an immediate family member of a person described in Subsection (19)(a).

729 (21) "Quarterly reporting period" means the three-month period covered by each  
730 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

731 (22) "Related person" means a person, agent, or employee who knowingly and  
732 intentionally assists a lobbyist, principal, or government officer in lobbying.

733 (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,  
734 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse  
735 of any of these individuals.

736 (24) "Tour" means visiting a location, for a purpose relating to the duties of a public  
737 official, and not primarily for entertainment, including:

738 (a) viewing a facility;

739 (b) viewing the sight of a natural disaster; or

740 (c) assessing a circumstance in relation to which a public official may need to take



741 action within the scope of the public official's duties.

742 Section 16. **Repealer.**

743 This bill repeals:

744 Section **20A-1-507**, **Midterm vacancies in the State Board of Education.**

745 Section **20A-14-106**, **Vacancies on the State Board of Education.**

746 Section 17. **Effective date.**

747 If approved by two-thirds of all the members elected to each house, this bill takes effect

748 upon approval by the governor, or the day following the constitutional time limit of Utah

749 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

750 the date of veto override.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**