

CONFLICT DISCLOSURE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Brad M. Daw

LONG TITLE

General Description:

This bill amends provisions relating to disclosures of potential conflicts of interests by state elected officials.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to establish a website for electronic disclosure of potential conflicts of interest by state elected officials;
- ▶ after a specified date, requires all potential conflict of interest disclosures by state elected officials to be made via the website;
- ▶ modifies deadlines for the reporting of potential conflicts of interest by state elected officials;
- ▶ redesignates "financial disclosures" as "conflict of interest disclosures";
- ▶ describes the minimum time period during which a conflict of interest disclosure will be available on the website; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11

31 **20A-11-1601**, as last amended by Laws of Utah 2014, Chapter 18

32 **20A-11-1602**, as last amended by Laws of Utah 2018, Chapter 19

33 **20A-11-1603**, as last amended by Laws of Utah 2018, Chapter 19

34 **20A-11-1604**, as renumbered and amended by Laws of Utah 2014, Chapter 18

35 **20A-11-1605**, as enacted by Laws of Utah 2014, Chapter 18

36 **20A-11-1606**, as enacted by Laws of Utah 2014, Chapter 335

37 ENACTS:

38 **20A-11-1602.5**, Utah Code Annotated 1953



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

41 Section 1. Section **20A-9-201** is amended to read:

42 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
43 **more than one political party prohibited with exceptions -- General filing and form**
44 **requirements -- Affidavit of impecuniosity.**

45 (1) Before filing a declaration of candidacy for election to any office, an individual
46 shall:

47 (a) be a United States citizen;

48 (b) meet the legal requirements of that office; and

49 (c) if seeking a registered political party's nomination as a candidate for elective office,
50 state:

51 (i) the registered political party of which the individual is a member; or

52 (ii) that the individual is not a member of a registered political party.

53 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

54 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
55 Utah during any election year;

56 (ii) appear on the ballot as the candidate of more than one political party; or

57 (iii) file a declaration of candidacy for a registered political party of which the
58 individual is not a member, except to the extent that the registered political party permits

59 otherwise in the registered political party's bylaws.

60 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
61 president or vice president of the United States and another office, if the individual resigns the
62 individual's candidacy for the other office after the individual is officially nominated for
63 president or vice president of the United States.

64 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
65 than one justice court judge office.

66 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
67 the individual filed a declaration of candidacy for another office in the same election year if the
68 individual withdraws as a candidate for the other office in accordance with Subsection
69 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

70 (3) (a) Except for a candidate for president or vice president of the United States,
71 before the filing officer may accept any declaration of candidacy, the filing officer shall:

72 (i) read to the individual the constitutional and statutory qualification requirements for
73 the office that the individual is seeking; and

74 (ii) require the individual to state whether the individual meets those requirements.

75 (b) Before accepting a declaration of candidacy for the office of county attorney, the
76 county clerk shall ensure that the individual filing that declaration of candidacy is:

77 (i) a United States citizen;

78 (ii) an attorney licensed to practice law in the state who is an active member in good
79 standing of the Utah State Bar;

80 (iii) a registered voter in the county in which the individual is seeking office; and

81 (iv) a current resident of the county in which the individual is seeking office and either
82 has been a resident of that county for at least one year or was appointed and is currently serving
83 as county attorney and became a resident of the county within 30 days after appointment to the
84 office.

85 (c) Before accepting a declaration of candidacy for the office of district attorney, the
86 county clerk shall ensure that, as of the date of the election, the individual filing that
87 declaration of candidacy is:

88 (i) a United States citizen;

89 (ii) an attorney licensed to practice law in the state who is an active member in good

90 standing of the Utah State Bar;

91 (iii) a registered voter in the prosecution district in which the individual is seeking
92 office; and

93 (iv) a current resident of the prosecution district in which the individual is seeking
94 office and either will have been a resident of that prosecution district for at least one year as of
95 the date of the election or was appointed and is currently serving as district attorney and
96 became a resident of the prosecution district within 30 days after receiving appointment to the
97 office.

98 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
99 county clerk shall ensure that the individual filing the declaration:

100 (i) is a United States citizen;

101 (ii) is a registered voter in the county in which the individual seeks office;

102 (iii) (A) has successfully met the standards and training requirements established for
103 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
104 Certification Act; or

105 (B) has met the waiver requirements in Section 53-6-206;

106 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
107 53-13-103; and

108 (v) as of the date of the election, will have been a resident of the county in which the
109 individual seeks office for at least one year.

110 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
111 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
112 Education member, the filing officer shall ensure:

113 (i) that the individual filing the declaration of candidacy also [~~files the financial~~] makes
114 the conflict of interest disclosure required by Section 20A-11-1603; and

115 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
116 individual provides the [~~financial~~] conflict of interest disclosure form to the lieutenant
117 governor in accordance with Section 20A-11-1603.

118 (4) If an individual who files a declaration of candidacy does not meet the qualification
119 requirements for the office the individual is seeking, the filing officer may not accept the
120 individual's declaration of candidacy.

- 121 (5) If an individual who files a declaration of candidacy meets the requirements
122 described in Subsection (3), the filing officer shall:
- 123 (a) inform the individual that:
- 124 (i) the individual's name will appear on the ballot as the individual's name is written on
125 the individual's declaration of candidacy;
- 126 (ii) the individual may be required to comply with state or local campaign finance
127 disclosure laws; and
- 128 (iii) the individual is required to file a financial statement before the individual's
129 political convention under:
- 130 (A) Section 20A-11-204 for a candidate for constitutional office;
- 131 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 132 (C) local campaign finance disclosure laws, if applicable;
- 133 (b) except for a presidential candidate, provide the individual with a copy of the current
134 campaign financial disclosure laws for the office the individual is seeking and inform the
135 individual that failure to comply will result in disqualification as a candidate and removal of
136 the individual's name from the ballot;
- 137 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
138 Electronic Voter Information Website Program and inform the individual of the submission
139 deadline under Subsection 20A-7-801(4)(a);
- 140 (d) provide the candidate with a copy of the pledge of fair campaign practices
141 described under Section 20A-9-206 and inform the candidate that:
- 142 (i) signing the pledge is voluntary; and
- 143 (ii) signed pledges shall be filed with the filing officer;
- 144 (e) accept the individual's declaration of candidacy; and
- 145 (f) if the individual has filed for a partisan office, provide a certified copy of the
146 declaration of candidacy to the chair of the county or state political party of which the
147 individual is a member.
- 148 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
149 officer shall:
- 150 (a) accept the candidate's pledge; and
- 151 (b) if the candidate has filed for a partisan office, provide a certified copy of the

152 candidate's pledge to the chair of the county or state political party of which the candidate is a
153 member.

154 (7) (a) Except for a candidate for president or vice president of the United States, the
155 form of the declaration of candidacy shall:

156 (i) be substantially as follows:

157 "State of Utah, County of _____

158 I, _____, declare my candidacy for the office of _____, seeking the
159 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
160 hold the office, both legally and constitutionally, if selected; I reside at _____
161 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
162 knowingly violate any law governing campaigns and elections; if filing via a designated
163 agent, I will be out of the state of Utah during the entire candidate filing period; I will
164 file all campaign financial disclosure reports as required by law; and I understand that
165 failure to do so will result in my disqualification as a candidate for this office and
166 removal of my name from the ballot. The mailing address that I designate for receiving
167 official election notices is _____.

168 _____

169 Subscribed and sworn before me this _____(month\day\year).

170 _____ Notary Public (or other officer qualified to administer oath)."; and

171 (ii) require the candidate to state, in the sworn statement described in Subsection

172 (7)(a)(i):

173 (A) the registered political party of which the candidate is a member; or

174 (B) that the candidate is not a member of a registered political party.

175 (b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of
176 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

177 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
178 is:

179 (i) \$50 for candidates for the local school district board; and

180 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
181 person holding the office for all other federal, state, and county offices.

182 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

183 any candidate:

184 (i) who is disqualified; or

185 (ii) who the filing officer determines has filed improperly.

186 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
187 from candidates.

188 (ii) The lieutenant governor shall:

189 (A) apportion to and pay to the county treasurers of the various counties all fees
190 received for filing of nomination certificates or acceptances; and

191 (B) ensure that each county receives that proportion of the total amount paid to the
192 lieutenant governor from the congressional district that the total vote of that county for all
193 candidates for representative in Congress bears to the total vote of all counties within the
194 congressional district for all candidates for representative in Congress.

195 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
196 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
197 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
198 a financial statement filed at the time the affidavit is submitted.

199 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

200 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
201 statement filed under this section shall be subject to the criminal penalties provided under
202 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

203 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
204 considered an offense under this title for the purposes of assessing the penalties provided in
205 Subsection 20A-1-609(2).

206 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
207 substantially the following form:

208 "Affidavit of Impecuniosity

209 Individual Name

210 _____ Address _____

211 Phone Number _____

212 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
213 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

214 law.
215 Date _____ Signature _____

216 Affiant

217 Subscribed and sworn to before me on _____ (month\day\year)

218 _____
219 (signature)

220 Name and Title of Officer Authorized to Administer Oath _____"

221 (v) The filing officer shall provide to a person who requests an affidavit of
222 impecuniosity a statement printed in substantially the following form, which may be included
223 on the affidavit of impecuniosity:

224 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
225 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
226 penalties, will be removed from the ballot."

227 (vi) The filing officer may request that a person who makes a claim of impecuniosity
228 under this Subsection (8)(d) file a financial statement on a form prepared by the election
229 official.

230 (9) (a) If there is no legislative appropriation for the Western States Presidential
231 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
232 president of the United States who is affiliated with a registered political party and chooses to
233 participate in the regular primary election shall:

234 (i) file a declaration of candidacy, in person or via a designated agent, with the
235 lieutenant governor:

236 (A) on a form developed and provided by the lieutenant governor; and

237 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
238 March before the next regular primary election;

239 (ii) identify the registered political party whose nomination the candidate is seeking;

240 (iii) provide a letter from the registered political party certifying that the candidate may
241 participate as a candidate for that party in that party's presidential primary election; and

242 (iv) pay the filing fee of \$500.

243 (b) A designated agent described in Subsection (9)(a)(i) may not sign the form
244 described in Subsection (9)(a)(i)(A).

245 (10) An individual who fails to file a declaration of candidacy or certificate of
246 nomination within the time provided in this chapter is ineligible for nomination to office.

247 (11) A declaration of candidacy filed under this section may not be amended or
248 modified after the final date established for filing a declaration of candidacy.

249 Section 2. Section **20A-11-1601** is amended to read:

250 **Part 16. Conflict of Interest Disclosures**

251 **20A-11-1601. Title.**

252 This part is known as [~~"Financial Disclosures."~~] "Conflict of Interest Disclosures."

253 Section 3. Section **20A-11-1602** is amended to read:

254 **20A-11-1602. Definitions.**

255 As used in this part:

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

262 (2) "Conflict of interest disclosure" means:

263 (a) before January 1, 2020, a conflict of interest disclosure form that includes all
264 information required under Section [20A-11-1604](#); and

265 (b) on or after January 1, 2020, a disclosure, on the website, of all information required
266 under Section [20A-11-1604](#).

267 [~~(2)~~] (3) "Entity" means a corporation, a partnership, a limited liability company, a
268 limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization,
269 a joint venture, a governmental entity, an unincorporated organization, or any other legal entity,
270 regardless of whether it is established primarily for the purpose of gain or economic profit.

271 [~~(3)~~] (4) "Filing officer" means:

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

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

276 [(4)] (5) "Immediate family" means the regulated officeholder's spouse, a child living
 277 in the regulated officeholder's immediate household, or an individual claimed as a dependent
 278 for state or federal income tax purposes by the regulated officeholder.

279 [(5)] (6) "Income" means earnings, compensation, or any other payment made to an
 280 individual for gain, regardless of source, whether denominated as wages, salary, commission,
 281 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
 282 reimbursement, dividends, or otherwise.

283 [(6)] (7) (a) "Owner or officer" means an individual who owns an ownership interest in
 284 an entity or holds a position where the person has authority to manage, direct, control, or make
 285 decisions for:

- 286 (i) the entity or a portion of the entity; or
- 287 (ii) an employee, agent, or independent contractor of the entity.
- 288 (b) "Owner or officer" includes:
- 289 (i) a member of a board of directors or other governing body of an entity; or
- 290 (ii) a partner in any type of partnership.

291 [(7)] (8) "Preceding year" means the year immediately preceding the day on which the
 292 regulated officeholder [~~files a financial~~] makes a conflict of interest disclosure [form].

293 [(8)] (9) "Regulated officeholder" means an individual who is required to [~~file a~~
 294 ~~financial~~] make a conflict of interest disclosure [form] under the provisions of this part.

295 [(9)] (10) "State constitutional officer" means the governor, the lieutenant governor,
 296 the state auditor, the state treasurer, or the attorney general.

297 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
 298 Website described in Section 20A-11-1602.5.

299 Section 4. Section **20A-11-1602.5** is enacted to read:

300 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**
 301 **Website.**

302 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and
 303 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

304 (2) Beginning no later than January 1, 2020, the website shall:

305 (a) permit a candidate or officeholder to securely access the website for the purpose of:

306 (i) complying with the conflict of interest disclosure requirements described in this

307 part; and

308 (ii) editing conflict of interest disclosures;

309 (b) contain a record of all conflict of interest disclosures and edits made by the
 310 candidate or officeholder for at least the preceding four years; and

311 (c) permit any person to view a conflict of interest disclosure made by a candidate or
 312 officeholder.

313 (3) On January 10, 2020, each individual who is required to make a conflict of interest
 314 disclosure under this part shall, regardless of whether the individual has already made a conflict
 315 of interest disclosure by a means other than the website, make a complete and updated conflict
 316 of interest disclosure on the website using the secure access described in Subsection (2)(a).

317 Section 5. Section **20A-11-1603** is amended to read:

318 **20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy**
 319 **-- Public availability.**

320 (1) [~~Candidates~~] Beginning on January 1, 2020, candidates seeking the following
 321 offices shall [~~file a financial disclosure with the filing officer~~] make a complete conflict of
 322 interest disclosure on the website at the time of filing a declaration of candidacy:

323 (a) state constitutional officer;

324 (b) state legislator; or

325 (c) State Board of Education member.

326 (2) A filing officer may not accept a declaration of candidacy for an office listed in
 327 Subsection (1) [~~unless the declaration of candidacy is accompanied by the financial disclosure~~
 328 ~~required by this section~~] until the candidate makes a complete conflict of interest disclosure on
 329 the website.

330 (3) The [~~financial~~] conflict of interest disclosure [form] shall contain the same
 331 requirements and shall be in the same format as the [~~financial~~] conflict of interest disclosure
 332 [~~form~~] described in Section **20A-11-1604**.

333 (4) [~~The~~] Until January 1, 2020, the filing officer shall:

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

336 (b) if the filing officer is not the lieutenant governor, provide each financial disclosure
 337 form to the lieutenant governor within one business day after the day on which the candidate

338 files the financial disclosure form.

339 (5) ~~[The]~~ Until January 1, 2020, the lieutenant governor shall make each financial
340 disclosure form that the lieutenant governor receives available to the public:

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

342 (b) on the Statewide Electronic Voter Information Website administered by the
343 lieutenant governor.

344 (6) Beginning on January 1, 2020, the lieutenant governor shall make the complete
345 conflict of interest disclosure made by each candidate available for public inspection on the
346 website.

347 Section 6. Section **20A-11-1604** is amended to read:

348 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**
349 **reporting requirements.**

350 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or
351 any other official act of office in which a state constitutional officer has actual knowledge that
352 the state constitutional officer has a conflict of interest that is not stated ~~[on the financial~~
353 ~~disclosure form described in this section]~~ in the conflict of interest disclosure, the state
354 constitutional officer shall publicly declare that the state constitutional officer may have a
355 conflict of interest and what that conflict of interest is.

356 (b) Before or during any vote on legislation or any legislative matter in which a
357 legislator has actual knowledge that the legislator has a conflict of interest that is not stated ~~[on~~
358 ~~the financial disclosure form described in this section]~~ in the conflict of interest disclosure, the
359 legislator shall orally declare to the committee or body before which the matter is pending that
360 the legislator may have a conflict of interest and what that conflict is.

361 (c) Before or during any vote on any rule, resolution, order, or any other board matter
362 in which a member of the State Board of Education has actual knowledge that the member has
363 a conflict of interest that is not stated ~~[on the financial disclosure form described in this~~
364 ~~section]~~ in the conflict of interest disclosure, the member shall orally declare to the board that
365 the member may have a conflict of interest and what that conflict of interest is.

366 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
367 shall be noted:

368 (a) on the official record of the action taken, for a state constitutional officer;

369 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
370 applicable, for a legislator; or

371 (c) in the minutes of the meeting or on the official record of the action taken, for a
372 member of the State Board of Education.

373 (3) (a) ~~[A]~~ Until January 1, 2020, a state constitutional officer shall file a financial
374 disclosure form:

375 (i) (A) on ~~[the tenth day of]~~ January ~~[of]~~ 10 each year, or the following business day if
376 the due date falls on a weekend or holiday; ~~[and]~~ or

377 (B) if the state constitutional officer takes office after January 10, within 10 days after
378 the day on which the state constitutional officer takes office; and

379 (ii) each time the state constitutional officer changes employment.

380 (b) Beginning on January 1, 2020, a state constitutional officer shall make a complete
381 conflict of interest disclosure on the website:

382 (i) (A) on January 10 each year, or the following business day if the due date falls on a
383 weekend or holiday; or

384 (B) if the state constitutional officer takes office after January 10, within 10 days after
385 the day on which the state constitutional officer takes office; and

386 (ii) each time the state constitutional officer changes employment.

387 ~~[(b)]~~ (c) ~~[A]~~ Until January 1, 2020, a legislator shall file a financial disclosure form:

388 (i) (A) on the first day of each general session of the Legislature; ~~[and]~~ or

389 (B) if the legislator takes office after the first day of the general session of the
390 Legislature, within 10 days after the day on which the legislator takes office; and

391 (ii) each time the legislator changes employment.

392 (d) Beginning on January 1, 2020, a legislator shall make a complete conflict of
393 interest disclosure on the website:

394 (i) (A) on January 10 each year, or the following business day if the due date falls on a
395 weekend or holiday; or

396 (B) if the legislator takes office after January 10, within 10 days after the day on which
397 the legislator takes office; and

398 (ii) each time the legislator changes employment.

399 ~~[(e)]~~ (e) ~~[A]~~ Until January 1, 2020, a member of the State Board of Education shall file

400 a financial disclosure form:

401 (i) (A) on [~~the tenth day of~~] January 10 of each year, or the following business day if
402 the due date falls on a weekend or holiday; [~~and~~] or

403 (B) if the member takes office after January 10, within 10 days after the day on which
404 the member takes office; and

405 (ii) each time the member changes employment.

406 (f) Beginning on January 1, 2020, a member of the State Board of Education shall
407 make a complete conflict of interest disclosure on the website:

408 (i) (A) on January 10 each year, or the following business day if the due date falls on a
409 weekend or holiday; or

410 (B) if the member takes office after January 10, within 10 days after the day on which
411 the member takes office; and

412 (ii) each time the member changes employment.

413 (4) The [~~financial~~] conflict of interest disclosure [~~form~~] described in Subsection (3)
414 shall include:

415 (a) the regulated officeholder's name;

416 (b) the name and address of each of the regulated officeholder's current employers and
417 each of the regulated officeholder's employers during the preceding year;

418 (c) for each employer described in Subsection (4)(b), a brief description of the
419 employment, including the regulated officeholder's occupation and, as applicable, job title;

420 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
421 owner or officer during the preceding year:

422 (i) the name of the entity;

423 (ii) a brief description of the type of business or activity conducted by the entity; and

424 (iii) the regulated officeholder's position in the entity;

425 (e) in accordance with Subsection (5)(b), for each individual from whom, or entity
426 from which, the regulated officeholder has received \$5,000 or more in income during the
427 preceding year:

428 (i) the name of the individual or entity; and

429 (ii) a brief description of the type of business or activity conducted by the individual or
430 entity;

431 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
432 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
433 preceding year, but excluding funds that are managed by a third party, including blind trusts,
434 managed investment accounts, and mutual funds:

435 (i) the name of the entity; and

436 (ii) a brief description of the type of business or activity conducted by the entity;

437 (g) for each entity not listed in Subsections (4)(d) through (f) in which the regulated
438 officeholder currently serves, or served in the preceding year, on the board of directors or in
439 any other type of paid leadership capacity:

440 (i) the name of the entity or organization;

441 (ii) a brief description of the type of business or activity conducted by the entity; and

442 (iii) the type of advisory position held by the regulated officeholder;

443 (h) at the option of the regulated officeholder, a description of any real property in
444 which the regulated officeholder holds an ownership or other financial interest that the
445 regulated officeholder believes may constitute a conflict of interest, including a description of
446 the type of interest held by the regulated officeholder in the property;

447 (i) the name of the regulated officeholder's spouse and any other adult residing in the
448 regulated officeholder's household who is not related by blood or marriage, as applicable;

449 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
450 is required to provide under Subsection (4)(b);

451 (k) a brief description of the employment and occupation of each adult who:

452 (i) resides in the regulated officeholder's household; and

453 (ii) is not related to the regulated officeholder by blood or marriage;

454 (l) at the option of the regulated officeholder, a description of any other matter or
455 interest that the regulated officeholder believes may constitute a conflict of interest;

456 (m) the date the form was completed;

457 (n) a statement that the regulated officeholder believes that the form is true and
458 accurate to the best of the regulated officeholder's knowledge; and

459 (o) the signature of the regulated officeholder.

460 (5) (a) [~~The~~] Before January 1, 2020, the regulated officeholder shall file the financial
461 disclosure form with:

462 (i) the secretary of the Senate, if the regulated officeholder is a member of the Senate;

463 (ii) the chief clerk of the House of Representatives, if the regulated officeholder is a
464 member of the House of Representatives; or

465 (iii) the lieutenant governor, if the regulated officeholder is a regulated officeholder
466 other than a regulated officeholder described in Subsection (5)(a)(i) or (ii).

467 (b) In making the disclosure described in Subsection (4)(e), a regulated officeholder
468 who provides goods or services to multiple customers or clients as part of a business or a
469 licensed profession is only required to provide the information described in Subsection (4)(e) in
470 relation to the entity or practice through which the regulated officeholder provides the goods or
471 services and is not required to provide the information described in Subsection (4)(e) in
472 relation to the regulated officeholder's individual customers or clients.

473 (6) [~~The~~] Until January 1, 2020, the lieutenant governor, the secretary of the Senate,
474 and the chief clerk of the House of Representatives shall ensure that blank [~~financial~~] conflict
475 of interest disclosure forms are available on the Internet and at their offices.

476 (7) [~~At~~] Until January 1, 2020, an individual described in Subsection (6) who receives
477 a [~~financial~~] conflict of interest disclosure form or an amendment to a [~~financial~~] conflict of
478 interest disclosure form under this section shall make each version of the form, and each
479 amendment to the form, available to the public for the period of time described in Subsection
480 (8), in the following manner:

481 (a) on the Internet; and

482 (b) at the office where the form or the amendment to the form was filed.

483 (8) The period of time that an individual described in Subsection (7) shall make each
484 version of a [~~financial~~] conflict of interest disclosure form and each amendment to a [~~financial~~]
485 conflict of interest disclosure form available to the public is:

486 (a) two years after the day on which the individual described in Subsection (7) receives
487 the form, for a regulated officeholder in an office that has a normal term of two years or less; or

488 (b) four years after the day on which the individual described in Subsection (7) receives
489 the form, for a regulated officeholder in an office that has a normal term of more than two
490 years.

491 (9) The disclosure requirements described in this section do not prohibit a regulated
492 officeholder from voting or acting on any matter.

493 (10) A regulated officeholder may amend a [~~financial~~] conflict of interest disclosure
494 [~~form~~] described in this part at any time.

495 (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty
496 of a class B misdemeanor.

497 (12) (a) A regulated officeholder who intentionally or knowingly violates a provision
498 of this section, other than Subsection (1), is guilty of a class B misdemeanor.

499 (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant
500 governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a
501 provision of this section, other than Subsection (1).

502 Section 7. Section **20A-11-1605** is amended to read:

503 **20A-11-1605. Failure to file -- Penalties.**

504 (1) Within 30 days after the day on which a regulated officeholder is required to file a
505 [~~financial~~] conflict of interest disclosure [~~form~~] under Subsection **20A-11-1604**(3)(a)(i), (b)(i),
506 [~~or~~] (c)(i), (d)(i), (e)(i), or (f)(i), the lieutenant governor shall review each filed [~~financial~~]
507 conflict of interest disclosure [~~form~~] to ensure that:

508 (a) each regulated officeholder who is required to file a [~~financial~~] conflict of interest
509 disclosure [~~form~~] has filed one; and

510 (b) each [~~financial~~] conflict of interest disclosure [~~form~~] contains the information
511 required under Section **20A-11-1604**.

512 (2) The lieutenant governor shall take the action described in Subsection (3) if:

513 (a) a regulated officeholder has failed to timely file a [~~financial~~] conflict of interest
514 disclosure [~~form~~];

515 (b) a filed [~~financial~~] conflict of interest disclosure [~~form~~] does not comply with the
516 requirements of Section **20A-11-1604**; or

517 (c) the lieutenant governor receives a written complaint alleging a violation of Section
518 **20A-11-1604**, other than Subsection **20A-11-1604**(1), and after receiving the complaint and
519 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
520 determines that a violation occurred.

521 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
522 within five days after the day on which the lieutenant governor determines that a violation
523 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder

524 to file an amended report correcting the problem.

525 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a [~~financial~~
526 conflict of interest disclosure [~~form~~] within seven days after the day on which the regulated
527 officeholder receives the notice described in Subsection (3).

528 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
529 misdemeanor.

530 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
531 attorney general.

532 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
533 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
534 Subsection (4)(a).

535 (5) The lieutenant governor shall deposit a fine collected under this part into the
536 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
537 part.

538 Section 8. Section **20A-11-1606** is amended to read:

539 **20A-11-1606. Link to conflict of interest disclosure on Legislature's website.**

540 The Legislature's website shall include, for each legislative officeholder, a link to the
541 [~~financial reports maintained~~] conflict of interest disclosure on the [~~lieutenant governor's~~]
542 website maintained by the lieutenant governor in relation to that legislative officeholder.