

SB0089S01 compared with SB0089

~~text~~ shows text that was in SB0089 but was deleted in SB0089S01.

Inserted text shows text that was not in SB0089 but was inserted into SB0089S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jani Iwamoto proposes the following substitute bill:

CONFLICT DISCLOSURE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: _____

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;

SB0089S01 compared with SB0089

- ▶ 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

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

ENACTS:

20A-11-1602.5, Utah Code Annotated 1953

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

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

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

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

(a) be a United States citizen;

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

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

state:

SB0089S01 compared with SB0089

- (i) the registered political party of which the individual is a member; or
- (ii) that the individual is not a member of a registered political party.

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

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

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

(iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.

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

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

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

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

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

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

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

(i) a United States citizen;

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

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

(iv) a current resident of the county in which the individual is seeking office and either

SB0089S01 compared with SB0089

has been a resident of that county for at least one year or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.

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

(i) a United States citizen;

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

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

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

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

(i) is a United States citizen;

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

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

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

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

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

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

SB0089S01 compared with SB0089

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

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

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

(5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:

(a) inform the individual that:

(i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

(ii) the individual may be required to comply with state or local campaign finance disclosure laws; and

(iii) the individual is required to file a financial statement before the individual's political convention under:

(A) Section 20A-11-204 for a candidate for constitutional office;

(B) Section 20A-11-303 for a candidate for the Legislature; or

(C) local campaign finance disclosure laws, if applicable;

(b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;

(c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);

(d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(i) signing the pledge is voluntary; and

(ii) signed pledges shall be filed with the filing officer;

SB0089S01 compared with SB0089

(e) accept the individual's declaration of candidacy; and

(f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.

(6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(a) accept the candidate's pledge; and

(b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

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

(i) be substantially as follows:

"State of Utah, County of _____

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

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

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

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

(7)(a)(i):

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

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

SB0089S01 compared with SB0089

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

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

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

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

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

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

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

SB0089S01 compared with SB0089

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

"Affidavit of Impecuniosity

Individual Name

_____ Address _____

Phone Number _____

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

Date _____ Signature _____

Affiant

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

(signature)

Name and Title of Officer Authorized to Administer Oath _____"

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

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

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

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

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

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

SB0089S01 compared with SB0089

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

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

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

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

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

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

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

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

Part 16. Conflict of Interest Disclosures

20A-11-1601. Title.

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

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

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

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

~~(2)~~ (3) "Entity" means a corporation, a partnership, a limited liability company, a

SB0089S01 compared with SB0089

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.

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

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

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

~~[(4)]~~ (5) "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.

~~[(5)]~~ (6) "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.

~~[(6)]~~ (7) (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.

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

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

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

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

SB0089S01 compared with SB0089

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

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) Beginning no later than January 1, 2020, 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; and

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

(3) ~~On~~ ~~January 1, 2020,~~ ~~and before January 11, 2020,~~ each individual who is required to make a conflict of interest disclosure under this part shall, regardless of whether the individual has already made a conflict of interest disclosure by a means other than the website, make a complete and updated conflict of interest disclosure on the website using the secure access described in Subsection (2)(a).

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

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

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

(a) state constitutional officer;

(b) state legislator; or

(c) State Board of Education member.

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

SB0089S01 compared with SB0089

the website.

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

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

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

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

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

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

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

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

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

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 [~~on the financial disclosure form described in this section~~] 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 [~~on the financial disclosure form described in this section~~] in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that

SB0089S01 compared with SB0089

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 [~~on the financial disclosure form described in this section~~] 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) [~~A~~] Until January 1, 2020, a state constitutional officer shall file a financial disclosure form:

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

(B) 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

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

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

(i) (A) ~~on~~ no sooner than January ~~10 each year, or the following business day if the due date falls on a weekend or holiday;~~ 1 each year, and before January 11 each year; or

(B) 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

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

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

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

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

SB0089S01 compared with SB0089

(ii) each time the legislator changes employment.

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

(i) (A) ~~on~~ no sooner than January ~~10 each year, or the following business day if the due date falls on a weekend or holiday~~ 1 each year, and before January 11 each year; or

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

(ii) each time the legislator changes employment.

~~(c)~~ (e) [A] Until January 1, 2020, a member of the State Board of Education shall file a financial disclosure form:

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

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

(ii) each time the member changes employment.

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

(i) (A) ~~on~~ no sooner than January ~~10 each year, or the following business day if the due date falls on a weekend or holiday~~ 1 each year, and before January 11 each year; or

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

(ii) each time the member changes employment.

(4) The ~~financial~~ conflict of interest disclosure ~~form~~ described in Subsection (3) 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 (4)(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:

SB0089S01 compared with SB0089

- (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 (5)(b), 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 (4)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, on the board of directors or in any other type of paid leadership capacity:

(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 advisory 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 (4)(b);

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

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

SB0089S01 compared with SB0089

(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.

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

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

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

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

(b) In making the disclosure described in Subsection (4)(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 (4)(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 (4)(e) in relation to the regulated officeholder's individual customers or clients.

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

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

(a) on the Internet; and

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

(8) The period of time that an individual described in Subsection (7) shall make each

SB0089S01 compared with SB0089

version of a [~~financial~~] conflict of interest disclosure form and each amendment to a [~~financial~~] conflict of interest disclosure form available to the public is:

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

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

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

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

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

(12) (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 (12)(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).

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

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

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

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

(b) each [~~financial~~] conflict of interest disclosure [~~form~~] 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 [~~financial~~] conflict of interest disclosure [~~form~~];

SB0089S01 compared with SB0089

(b) a filed [~~financial~~] conflict of interest disclosure [~~form~~] 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 [~~financial~~] conflict of interest disclosure [~~form~~] 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.

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

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 [~~financial reports maintained~~] conflict of interest disclosure on the [~~lieutenant governor's~~] website maintained by the lieutenant governor in relation to that legislative officeholder.