

1 **Candidate Disclosure Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to conflict of interest disclosures.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ requires a candidate for local elective office to file a conflict of interest disclosure
- 9 statement at the time the candidate files a declaration of candidacy;
- 10 ▶ creates an exception to the disclosure requirement described above if the candidate is
- 11 seeking reelection to the same office and already, that same year, filed a conflict of
- 12 interest disclosure statement;
- 13 ▶ requires an election official to post the candidate's disclosure statement on the political
- 14 subdivision's website;
- 15 ▶ subject to certain exceptions, requires state and local candidates and officeholders to
- 16 annually disclose any misdemeanor or felony offense for which the candidate or
- 17 officeholder has been convicted by a court located within or outside of this state;
- 18 ▶ for purposes of laws governing when a public employer may ask a question about a job
- 19 applicant's criminal history, specifies that a candidate or officeholder described above is
- 20 not an applicant for a job with a public employer;
- 21 ▶ creates deadlines and procedures related to the processes described above; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-11-1602**, as last amended by Laws of Utah 2024, Chapter 443

30 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170

31 **34-52-102**, as last amended by Laws of Utah 2023, Chapters 16, 344

32 ENACTS:

33 **20A-11-1603.5**, Utah Code Annotated 1953

34

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

36 Section 1. Section **20A-11-1602** is amended to read:

37 **20A-11-1602 . Definitions.**

38 As used in this part:

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

45 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information
46 required under Section 20A-11-1604.

47 (3)(a) "Conviction" means a judicial determination that a person is guilty of a criminal
48 offense, regardless of whether the conviction is the result of a trial or a plea of guilty
49 or no contest.

50 (b) "Conviction" does not mean an adjudication of juvenile delinquency.

51 [(3)] (4) "Entity" means a corporation, a partnership, a limited liability company, a limited
52 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization,
53 a joint venture, a governmental entity, an unincorporated organization, or any other legal
54 entity, regardless of whether it is established primarily for the purpose of gain or
55 economic profit.

56 [(4)] (5) "Local official" means:

57 (a) an elected officer of:

58 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and
59 Employees' Ethics Act; or

60 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure
61 Act;

62 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and
63 Employees' Ethics Act; or

64 (c) another individual:

- 65 (i) who is not a regulated officeholder; and
- 66 (ii) who is required to annually make a conflict of interest disclosure in accordance
- 67 with Subsection 20A-11-1604(6).
- 68 ~~[(5)]~~ (6) "Filing officer" means:
- 69 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
- 70 of Education member;~~[-or]~~
- 71 (b) the lieutenant governor or the county clerk in the county of the candidate's residence,
- 72 for a state legislative office~~[-]~~ ;
- 73 (c) the county clerk, for a county office or a local school board office;
- 74 (d) the city recorder or town clerk, for a municipal office; or
- 75 (e) the special district clerk, for a special district office.
- 76 ~~[(6)]~~ (7) "Immediate family" means the regulated officeholder's spouse, a child living in the
- 77 regulated officeholder's immediate household, or an individual claimed as a dependent
- 78 for state or federal income tax purposes by the regulated officeholder.
- 79 ~~[(7)]~~ (8) "Income" means earnings, compensation, or any other payment made to an
- 80 individual for gain, regardless of source, whether denominated as wages, salary,
- 81 commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per
- 82 diem, expenses, reimbursement, dividends, or otherwise.
- 83 ~~[(8)]~~ (9)(a) "Owner or officer" means an individual who owns an ownership interest in an
- 84 entity or holds a position where the person has authority to manage, direct, control, or
- 85 make decisions for:
- 86 (i) the entity or a portion of the entity; or
- 87 (ii) an employee, agent, or independent contractor of the entity.
- 88 (b) "Owner or officer" includes:
- 89 (i) a member of a board of directors or other governing body of an entity; or
- 90 (ii) a partner in any type of partnership.
- 91 ~~[(9)]~~ (10) "Preceding year" means the year immediately preceding the day on which the
- 92 regulated officeholder makes a conflict of interest disclosure.
- 93 ~~[(10)]~~ (11) "Regulated officeholder" means an individual who is required to make a conflict
- 94 of interest disclosure under the provisions of this part.
- 95 ~~[(11)]~~ (12) "State constitutional officer" means the governor, the lieutenant governor, the
- 96 state auditor, the state treasurer, or the attorney general.
- 97 ~~[(12)]~~ (13) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
- 98 Website described in Section 20A-11-1602.5.

99 Section 2. Section **20A-11-1603.5** is enacted to read:

100 **20A-11-1603.5 . Conflict of interest disclosure statement for local office -**

101 **Required when filing for candidacy -- Public availability.**

102 (1)(a) A filing officer shall, for each person seeking to become a candidate for a county
103 office, municipal office, local school board office, or special district office that is to
104 be filled at the next election, create, print, and provide the person with a copy of the
105 conflict of interest disclosure statement described in Subsection (1)(b).

106 (b) A conflict of interest disclosure statement shall:

107 (i) be divided into sections representing each item of information described in
108 Subsections 20A-11-1604(6)(a) through (p); and

109 (ii) immediately beneath each section, include a space for the candidate to provide a
110 written response.

111 (2) Except as provided in Subsection (3), a candidate for an office described in Subsection
112 (1)(a) shall complete the conflict of interest disclosure statement and submit the
113 statement to the filing officer at the time the candidate files a declaration of candidacy.

114 (3) A candidate is not required to comply with Subsection (2) if the candidate:

115 (a) currently holds the office for which the candidate seeks reelection;

116 (b) already, that same year, filed a conflict of interest disclosure statement for the office
117 described in Subsection (3)(a), in accordance with:

118 (i) for a county office, Section 17-16a-13;

119 (ii) for a municipal office, Section 10-3-1313; or

120 (iii) for a local school board office or special district office, Section 67-16-16; and

121 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
122 the conflict of interest disclosure statement described in Subsection (3)(b) is updated
123 and accurate as of the date of filing the declaration of candidacy.

124 (4) Except as provided in Subsection (3), a filing officer:

125 (a) may not accept a declaration of candidacy from a candidate for an office described in
126 Subsection (1)(a) until the filing officer receives a complete conflict of interest
127 disclosure statement from the candidate; and

128 (b) shall make a candidate's conflict of interest disclosure statement available for public
129 inspection by posting an electronic copy of the statement:

130 (i) for a county office or a local school board office, on the county's website;

131 (ii) for a municipal office:

132 (A) on the municipality's website; or

- 133 (B) if the municipality does not have a website, on the website of the county
 134 where the municipality is located; or
 135 (iii) for a special district office:
 136 (A) on the special district's website; or
 137 (B) if the special district does not have a website, on the website of each county in
 138 which the special district is located.

- 139 (5) A filing officer shall ensure that a candidate's conflict of interest disclosure statement
 140 remains posted on the website described in Subsection (4)(b) until:
 141 (a) the candidate resigns or is disqualified as a candidate; or
 142 (b) the day after the day of the official canvass for the general election.

143 Section 3. Section **20A-11-1604** is amended to read:

144 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
 145 **reporting requirements.**

- 146 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
 147 any other official act of office in which a state constitutional officer has actual
 148 knowledge that the state constitutional officer has a conflict of interest that is not
 149 stated in the conflict of interest disclosure, the state constitutional officer shall
 150 publicly declare that the state constitutional officer may have a conflict of interest
 151 and what that conflict of interest is.
- 152 (b) Before or during any vote on legislation or any legislative matter in which a
 153 legislator has actual knowledge that the legislator has a conflict of interest that is not
 154 stated in the conflict of interest disclosure, the legislator shall orally declare to the
 155 committee or body before which the matter is pending that the legislator may have a
 156 conflict of interest and what that conflict is.
- 157 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
 158 which a member of the State Board of Education has actual knowledge that the
 159 member has a conflict of interest that is not stated in the conflict of interest
 160 disclosure, the member shall orally declare to the board that the member may have a
 161 conflict of interest and what that conflict of interest is.

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

- 164 (a) on the official record of the action taken, for a state constitutional officer;
 165 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
 166 applicable, for a legislator; or

- 167 (c) in the minutes of the meeting or on the official record of the action taken, for a
168 member of the State Board of Education.
- 169 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
170 website:
- 171 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
172 (ii) if the state constitutional officer takes office after January 10, within 10 days after
173 the day on which the state constitutional officer takes office; and
- 174 (b) each time the state constitutional officer changes employment.
- 175 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 176 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
177 (ii) if the legislator takes office after January 10, within 10 days after the day on
178 which the legislator takes office; and
- 179 (b) each time the legislator changes employment.
- 180 (5) A member of the State Board of Education shall make a complete conflict of interest
181 disclosure on the website:
- 182 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
183 (ii) if the member takes office after January 10, within 10 days after the day on which
184 the member takes office; and
- 185 (b) each time the member changes employment.
- 186 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 187 (a) the regulated officeholder's name;
- 188 (b) the name and address of each of the regulated officeholder's current employers and
189 each of the regulated officeholder's employers during the preceding year;
- 190 (c) for each employer described in Subsection (6)(b), a brief description of the
191 employment, including the regulated officeholder's occupation and, as applicable, job
192 title;
- 193 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
194 owner or officer during the preceding year:
- 195 (i) the name of the entity;
- 196 (ii) a brief description of the type of business or activity conducted by the entity; and
197 (iii) the regulated officeholder's position in the entity;
- 198 (e) in accordance with Subsection [~~(7)~~] (8), for each individual from whom, or entity
199 from which, the regulated officeholder has received \$5,000 or more in income during
200 the preceding year:

- 201 (i) the name of the individual or entity; and
202 (ii) a brief description of the type of business or activity conducted by the individual
203 or entity;
- 204 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
205 fair market value of \$5,000 or more as of the date of the disclosure form or during the
206 preceding year, but excluding funds that are managed by a third party, including
207 blind trusts, managed investment accounts, and mutual funds:
- 208 (i) the name of the entity; and
209 (ii) a brief description of the type of business or activity conducted by the entity;
- 210 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
211 officeholder currently serves, or served in the preceding year, in a paid leadership
212 capacity or in a paid or unpaid position on a board of directors:
- 213 (i) the name of the entity or organization;
214 (ii) a brief description of the type of business or activity conducted by the entity; and
215 (iii) the type of position held by the regulated officeholder;
- 216 (h) at the option of the regulated officeholder, a description of any real property in which
217 the regulated officeholder holds an ownership or other financial interest that the
218 regulated officeholder believes may constitute a conflict of interest, including a
219 description of the type of interest held by the regulated officeholder in the property;
- 220 (i) the name of the regulated officeholder's spouse and any other adult residing in the
221 regulated officeholder's household who is not related by blood or marriage, as
222 applicable;
- 223 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
224 is required to provide under Subsection (6)(b);
- 225 (k) a brief description of the employment and occupation of each adult who:
226 (i) resides in the regulated officeholder's household; and
227 (ii) is not related to the regulated officeholder by blood or marriage;
- 228 (l) except as provided in Subsection (7), a description of any misdemeanor or felony
229 criminal offense for which the regulated officeholder was convicted;
- 230 ~~(m)~~ (m) at the option of the regulated officeholder, a description of any other matter or
231 interest that the regulated officeholder believes may constitute a conflict of interest;
- 232 ~~(n)~~ (n) the date the form was completed;
- 233 ~~(o)~~ (o) a statement that the regulated officeholder believes that the form is true and
234 accurate to the best of the regulated officeholder's knowledge; and

235 [(+) (p) the signature of the regulated officeholder.

236 (7) In making the disclosure described in Subsection (6)(l), a regulated officeholder does
237 not need to disclose a conviction that was:

238 (a) for a traffic-related misdemeanor offense, unless the offense involved the use of
239 drugs, alcohol, or a controlled substance;

240 (b) reversed, set aside, or vacated; or

241 (c) expunged under the laws of the relevant jurisdiction.

242 [(7)] (8) In making the disclosure described in Subsection (6)(e), a regulated officeholder
243 who provides goods or services to multiple customers or clients as part of a business or a
244 licensed profession is only required to provide the information described in Subsection
245 (6)(e) in relation to the entity or practice through which the regulated officeholder
246 provides the goods or services and is not required to provide the information described
247 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
248 clients.

249 [(8)] (9) The disclosure requirements described in this section do not prohibit a regulated
250 officeholder from voting or acting on any matter.

251 [(9)] (10) A regulated officeholder may amend a conflict of interest disclosure described in
252 this part at any time.

253 [(10)] (11) A regulated officeholder who violates the requirements of Subsection (1) is
254 guilty of a class B misdemeanor.

255 [(11)] (12)(a) A regulated officeholder who intentionally or knowingly violates a
256 provision of this section, other than Subsection (1), is guilty of a class B
257 misdemeanor.

258 (b) In addition to the criminal penalty described in Subsection [(11)(a)] (12)(a), the
259 lieutenant governor shall impose a civil penalty of \$100 against a regulated
260 officeholder who violates a provision of this section, other than Subsection (1).

261 Section 4. Section **34-52-102** is amended to read:

262 **34-52-102 . Definitions.**

263 As used in this chapter:

264 (1)(a) "Applicant" means an individual who provides information to a public employer
265 or private employer for the purpose of obtaining employment.

266 (b) "Applicant" does not include an individual who provides information to a public
267 employer under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures.

268 (2)(a) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or a

- 269 plea of guilty or nolo contendere to a criminal charge.
- 270 (b) "Criminal conviction" does not include an expunged criminal conviction.
- 271 (3) "Juvenile adjudication" means:
- 272 (a) a finding by a court that the facts in a petition or criminal information alleging an
- 273 individual committed an offense when the individual was younger than 18 years old
- 274 have been proved; or
- 275 (b) an admission or plea of no contest under Section 80-6-306.
- 276 (4) "Mental health professional applicant" means an individual who:
- 277 (a) is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; and
- 278 (b) provides information to a public employer or private employer for the purpose of
- 279 obtaining employment that requires a license under Title 58, Chapter 60, Mental
- 280 Health Professional Practice Act.
- 281 (5)(a) "Private employer" means a person who has one or more employees employed in
- 282 the same business, or in or about the same establishment, under any contract of hire,
- 283 express or implied, oral or written.
- 284 (b) "Private employer" does not include a public employer.
- 285 (6) "Public employer" means an employer that is:
- 286 (a) the state or any administrative subunit of the state, including a department, division,
- 287 board, council, committee, institution, office, bureau, or other similar administrative
- 288 unit of state government;
- 289 (b) a state institution of higher education; or
- 290 (c) a municipal corporation, county, municipality, school district, special district, special
- 291 service district, or other political subdivision of the state.

292 **Section 5. Effective Date.**

293 This bill takes effect on May 7, 2025.