Conflict of Interest Disclosure Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses candidate and officeholder disclosures.

Highlighted Provisions:

This bill:

- defines terms;
- adds the following to the list of conflict of interest disclosures for elected and appointed officeholders and certain other public officials:
  - any unresolved federal or state tax liens; and
  - felony and misdemeanor criminal convictions, subject to certain exceptions;
- amends the definition of "applicant" for purposes of restrictions on criminal history inquiries by public employers to exclude a person who is required to file a conflict of interest disclosure; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-301.5, as enacted by Laws of Utah 2025, Chapter 90

17-70-304, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17B-1-306.1, as enacted by Laws of Utah 2025, Chapter 90

20A-11-1602, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

20A-11-1604, as last amended by Laws of Utah 2025, Chapters 90, 448

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

H.B. 446

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

Section 1. Section **10-3-301.5** is amended to read:

10-3-301.5 . Conflict of interest disclosure statement for municipal office -- Required when filing for candidacy -- Public availability -- Enforcement.

(1)(a) A city recorder or town clerk shall, for each person seeking to become a candidate for a municipal office that is to be filled at the next general election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).

(b) A conflict of interest disclosure statement shall:

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

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

(2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)(a) shall complete the conflict of interest disclosure statement and submit the statement to the city recorder or town clerk at the time the candidate files a declaration of candidacy.

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

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

(b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (3)(a), in accordance with Section 10-3-1313; and

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

(4) Except as provided in Subsection (3), a city recorder or town clerk:

(a) may not accept a declaration of candidacy from a candidate for an office described in Subsection (1)(a) until the city recorder or town clerk receives a complete conflict of interest disclosure statement from the candidate; and

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

(i) on the municipality's website; or

(ii) if the municipality does not have a website, on the website of the county where the municipality is located.

(5) A city recorder or town clerk shall ensure that a candidate's conflict of interest

disclosure statement remains posted on the website described in Subsection (4)(b) until:
(a) the candidate resigns or is disqualified as a candidate; or
(b) the day after the day of the official canvass for the general election.
(6)(a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section.
(b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the prevailing party.

Section 2. Section **17-70-304** is amended to read:

17-70-304 . Conflict of interest disclosure statement for county and local school board office -- Required when filing for candidacy -- Public availability -- Enforcement.

(1)(a) A county clerk shall, for each person seeking to become a candidate for a county office or local school board office that is to be filled at the next general election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (1)(b).
(b) A conflict of interest disclosure statement shall:
(i) be divided into sections representing each item of information described in Subsections 20A-11-1604(6)(a) through [~~(n)~~] (p); and
(ii) immediately beneath each section, include a space for the candidate to provide a written response.
(2) Except as provided in Subsection (3), a candidate for an office described in Subsection (1)(a) shall complete the conflict of interest disclosure statement and submit the statement to the county clerk at the time the candidate files a declaration of candidacy.
(3) A candidate is not required to comply with Subsection (2) if the candidate:
(a) currently holds the office for which the candidate seeks reelection;
(b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (3)(a), in accordance with:
(i) for a county office, Section 17-16a-13; or
(ii) for a local school board office, Section 67-16-16; and
(c) at the time the candidate files a declaration of candidacy, indicates, in writing, that the conflict of interest disclosure statement described in Subsection (3)(b) is updated and accurate as of the date of filing the declaration of candidacy.
(4) Except as provided in Subsection (3), a county clerk:
(a) may not accept a declaration of candidacy from a candidate for an office described in

Subsection (1)(a) until the county clerk receives a complete conflict of interest disclosure statement from the candidate; and

(b) shall make a candidate's conflict of interest disclosure statement available for public inspection by posting an electronic copy of the statement on the county's website.

(5) A county clerk shall ensure that a candidate's conflict of interest disclosure statement remains posted on the website described in Subsection (4)(b) until:

(a) the candidate resigns or is disqualified as a candidate; or

(b) the day after the day of the official canvass for the general election.

(6)(a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section.

(b) In a civil action under Subsection (6)(a), the court may award costs and attorney fees to the prevailing party.

Section 3. Section **17B-1-306.1** is amended to read:

17B-1-306.1 . Conflict of interest disclosure statement for special district office -- Required when filing for candidacy -- Public availability -- Enforcement.

(1) As used in this section, "filing officer" means the official designated by a special district board under Subsection 17B-1-306(5)(a) to receive a declaration of candidacy.

(2)(a) A filing officer shall, for each person seeking to become a candidate for an elective special district board that is to be filled at the next general election, create, print, and provide the person with a copy of the conflict of interest disclosure statement described in Subsection (2)(b).

(b) A conflict of interest disclosure statement shall:

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

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

(3) Except as provided in Subsection (4), a candidate for an office described in Subsection (2)(a) shall complete the conflict of interest disclosure statement and submit the statement to the filing officer at the time the candidate files a declaration of candidacy.

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

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

(b) already, that same year, filed a conflict of interest disclosure statement for the office described in Subsection (4)(a), in accordance with Section 67-16-16; and

133 (c) at the time the candidate files a declaration of candidacy, indicates, in writing, that
134 the conflict of interest disclosure statement described in Subsection (4)(b) is updated
135 and accurate as of the date of filing the declaration of candidacy.
136 (5) Except as provided in Subsection (4), a filing officer:
137 (a) may not accept a declaration of candidacy from a candidate for an office described in
138 Subsection (2)(a) until the filing officer receives a complete conflict of interest
139 disclosure statement from the candidate; and
140 (b) shall make a candidate's conflict of interest disclosure statement available for public
141 inspection by posting an electronic copy of the statement on:
142 (i) the special district's website; or
143 (ii) if the special district does not have a website, the website of each county in which
144 the special district is located.
145 (6) A filing officer shall ensure that a candidate's conflict of interest disclosure statement
146 remains posted on the website described in Subsection (5)(b) until:
147 (a) the candidate resigns or is disqualified as a candidate; or
148 (b) the day after the day of the official canvass for the general election.
149 (7)(a) A private party in interest may bring a civil action in a court with jurisdiction
150 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
151 this section.
152 (b) In a civil action under Subsection (7)(a), the court may award costs and attorney fees
153 to the prevailing party.
154 Section 4. Section **20A-11-1602** is amended to read:
155 **20A-11-1602 . Definitions.**
156 As used in this part:
157 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the
158 officeholder reasonably believes may cause direct financial benefit or detriment to the
159 officeholder, a member of the officeholder's immediate family, or an individual or entity
160 that the officeholder is required to disclose under the provisions of this section, if that
161 benefit or detriment is distinguishable from the effects of that action on the public or on
162 the officeholder's profession, occupation, or association generally.
163 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information
164 required under Section 20A-11-1604.
165 (3)(a) "Conviction" means a judicial determination that a person is guilty of a criminal
166 offense, regardless of whether the conviction is the result of a trial or a plea of guilty

or no contest.

(b) "Conviction" does not mean:

(i) an adjudication of juvenile delinquency; or

(ii) a plea in abeyance or other disposition in which judgment is withheld.

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

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

(a) an elected officer of:

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

(ii) a county under Title 17, Chapter 70, Part 5, Disclosure Duties Applicable to All County Officers;

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

(c) another individual:

(i) who is not a regulated officeholder; and

(ii) who is required to annually make a conflict of interest disclosure in accordance with Subsection 20A-11-1604(6).

[~~(5)~~] (6) "Filing officer" means:

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

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

[~~(6)~~] (7) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.

[~~(7)~~] (8) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.

[~~(8)~~] (9)(a) "Owner or officer" means an individual who owns an ownership interest in an

entity or holds a position where the person has authority to manage, direct, control, or make decisions for:

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

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

(b) "Owner or officer" includes:

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

(ii) a partner in any type of partnership.

[~~(9)~~] (10) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.

[~~(10)~~] (11) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.

[~~(11)~~] (12) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

[~~(12)~~] (13) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

Section 5. 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 in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.

(b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

(c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.

(2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
(a) on the official record of the action taken, for a state constitutional officer;
(b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
(c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
(a)(i) no sooner than January 1 each year, and before January 11 each year; or
(ii) if the state constitutional officer takes office after January 10, within 10 calendar days after the day on which the state constitutional officer takes office; and
(b) each time the state constitutional officer changes employment.
(4) A legislator shall make a complete conflict of interest disclosure on the website:
(a)(i) no sooner than January 1 each year, and before January 11 each year; or
(ii) if the legislator takes office after January 10, within 10 calendar days after the day on which the legislator takes office; and
(b) each time the legislator changes employment.
(5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:
(a)(i) no sooner than January 1 each year, and before January 11 each year; or
(ii) if the member takes office after January 10, within 10 calendar days after the day on which the member takes office; and
(b) each time the member changes employment.
(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
(a) the regulated officeholder's name;
(b) subject to Subsection (7):
(i) 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; and
(ii) for each employer described in this Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
(c) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:

269 (i) the name of the entity;
270 (ii) a brief description of the type of business or activity conducted by the entity; and
271 (iii) the regulated officeholder's position in the entity;
272 (d) in accordance with Subsection [~~(8)~~] (9), for each individual from whom, or entity
273 from which, the regulated officeholder has received $5,000 or more in income during
274 the preceding year:
275 (i) the name of the individual or entity; and
276 (ii) a brief description of the type of business or activity conducted by the individual
277 or entity;
278 (e) for each entity in which the regulated officeholder holds any stocks or bonds having
279 a fair market value of $5,000 or more as of the date of the disclosure form or during
280 the preceding year, but excluding funds that are managed by a third party, including
281 blind trusts, managed investment accounts, and mutual funds:
282 (i) the name of the entity; and
283 (ii) a brief description of the type of business or activity conducted by the entity;
284 (f) for each entity not listed in Subsections (6)(c) through (e) in which the regulated
285 officeholder currently serves, or served in the preceding year, in a paid leadership
286 capacity or in a paid or unpaid position on a board of directors:
287 (i) the name of the entity or organization;
288 (ii) a brief description of the type of business or activity conducted by the entity; and
289 (iii) the type of position held by the regulated officeholder;
290 (g) at the option of the regulated officeholder, a description of any real property in which
291 the regulated officeholder holds an ownership or other financial interest that the
292 regulated officeholder believes may constitute a conflict of interest, including a
293 description of the type of interest held by the regulated officeholder in the property;
294 (h) subject to Subsection (7):
295 (i) the name of the regulated officeholder's spouse; and
296 (ii) the name of each of the regulated officeholder's spouse's current employers and
297 each of the regulated officeholder's spouse's employers during the preceding year,
298 if the regulated officeholder believes the employment may constitute a conflict of
299 interest;
300 (i) the name of any adult residing in the regulated officeholder's household who is not
301 related to the officeholder by blood;
302 (j) for each adult described in Subsection (6)(i), a brief description of the adult's

303 employment or occupation, if the regulated officeholder believes the adult's presence
304 in the regulated officeholder's household may constitute a conflict of interest;
305 (k) Ĥ→ [~~for each unresolved tax lien~~] ←Ĥ _ Ĥ→ **for each tax lien unresolved for more than**
305a **two years** ←Ĥ for which the regulated officeholder is personally liable
306 or that encumbers real property in which the regulated officeholder holds an
307 ownership interest:
308 (i) whether the tax lien is a federal tax lien or state tax lien, including a tax lien
309 imposed by any state;
310 (ii) the taxing authority that imposed or recorded the tax lien;
311 (iii) a brief description sufficient to identify the tax lien; and
312 (iv) optional additional information provided by the regulated officeholder regarding
313 the circumstances or context of the tax lien;
314 (l) except as provided in Subsection (8), for each conviction of the regulated
315 officeholder for a criminal offense that is a felony or misdemeanor:
316 (i) the offense for which the regulated officeholder was convicted;
317 (ii) the jurisdiction in which the conviction occurred;
318 (iii) the year in which the conviction occurred; and
319 (iv) optional additional information provided by the regulated officeholder regarding
320 the circumstances or context of the conviction;
321 (m) at the option of the regulated officeholder, a description of any other matter or
322 interest that the regulated officeholder believes may constitute a conflict of interest;
323 [~~(l)~~] (n) the date the form was completed;
324 [~~(m)~~] (o) a statement that the regulated officeholder believes that the form is true and
325 accurate to the best of the regulated officeholder's knowledge; and
326 [~~(n)~~] (p) the signature of the regulated officeholder.
327 (7)(a) In making the disclosure described in Subsection (6)(b) or (h), if a regulated
328 officeholder or regulated officeholder's spouse is an at-risk government employee, as
329 that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may
330 request the filing officer to redact from the conflict of interest disclosure:
331 (i) the regulated officeholder's employment information under Subsection (6)(b); and
332 (ii) the regulated officeholder's spouse's name and employment information under
333 Subsection (6)(h).
334 (b) A filing officer who receives a redaction request under Subsection (7)(a) shall redact
335 the disclosures made under Subsection (6)(b) or (h) before the filing officer makes

the conflict of interest disclosure available for public inspection.

(8) A regulated officeholder is not required to disclose a conviction under Subsection (6)(l) if the conviction:

(a) was for a class C misdemeanor under the law of this state;

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

(c) was reversed, vacated, or set aside; or

(d) was expunged under the laws of the jurisdiction in which the conviction occurred.

[~~(8)~~] (9) In making the disclosure described in Subsection (6)(d), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(d) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(d) in relation to the regulated officeholder's individual customers or clients.

[~~(9)~~] (10) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.

[~~(10)~~] (11) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.

[~~(11)~~] (12) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.

[~~(12)~~] (13)(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)~~] (13)(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 6. Section **34-52-102** is amended to read:

34-52-102 . Definitions.

As used in this chapter:

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

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

(2)(a) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or a plea of guilty or nolo contendere to a criminal charge.

(b) "Criminal conviction" does not include an expunged criminal conviction.

(3) "Juvenile adjudication" means:

(a) a finding by a court that the facts in a petition or criminal information alleging an individual committed an offense when the individual was younger than 18 years old have been proved; or

(b) an admission or plea of no contest under Section 80-6-306.

(4) "Mental health professional applicant" means an individual who:

(a) is licensed under Title 58, Chapter 60, Mental Health Professional Practice Act; and

(b) provides information to a public employer or private employer for the purpose of obtaining employment that requires a license under Title 58, Chapter 60, Mental Health Professional Practice Act.

(5)(a) "Private employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.

(b) "Private employer" does not include a public employer.

(6) "Public employer" means an employer that is:

(a) the state or any administrative subunit of the state, including a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of state government;

(b) a state institution of higher education; or

(c) a municipal corporation, county, municipality, school district, special district, special service district, or other political subdivision of the state.

Section 7. **Effective Date.**

This bill takes effect on May 6, 2026.