

1                   **CAMPAIGN CONTRIBUTION AND PUBLIC SERVICE**  
2                   **ASSISTANCE DISCLOSURE AMENDMENTS**

3                                   2015 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Kraig Powell**

6                                   Senate Sponsor: \_\_\_\_\_

---

---

7  
8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies the Election Code by amending provisions relating to campaign  
11 contributions and public service assistance.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ requires the lieutenant governor to establish and maintain, on the lieutenant  
15 governor's website, a searchable database of reporting entities, principals, and  
16 lobbyists;
- 17                   ▶ requires a detailed listing in a financial statement to indicate whether the individual  
18 or source that makes a contribution or provides public service assistance is a  
19 reporting entity, principal, or lobbyist;
- 20                   ▶ imposes criminal penalties and a civil fine against a reporting entity that fails to  
21 timely file a corrected financial statement after the lieutenant governor provides  
22 notice that the reporting entity failed to comply with the requirements described in  
23 the preceding paragraph; and
- 24                   ▶ makes technical changes.

25                   **Money Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

32 ENACTS:

33 **20A-11-105**, Utah Code Annotated 1953



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

36 Section 1. Section **20A-11-101** is amended to read:

37 **20A-11-101. Definitions.**

38 As used in this chapter:

39 (1) "Address" means the number and street where an individual resides or where a  
40 reporting entity has its principal office.

41 (2) "Agent of a reporting entity" means:

42 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
43 entity;

44 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
45 reporting entity;

46 (c) the personal campaign committee of a candidate or officeholder;

47 (d) a member of the personal campaign committee of a candidate or officeholder in the  
48 member's capacity as a member of the personal campaign committee of the candidate or  
49 officeholder; or

50 (e) a political consultant of a reporting entity.

51 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
52 amendments, and any other ballot propositions submitted to the voters that are authorized by  
53 the Utah Code Annotated 1953.

54 (4) "Candidate" means any person who:

55 (a) files a declaration of candidacy for a public office; or

56 (b) receives contributions, makes expenditures, or gives consent for any other person to  
57 receive contributions or make expenditures to bring about the person's nomination or election  
58 to a public office.

59 (5) "Chief election officer" means:

60 (a) the lieutenant governor for state office candidates, legislative office candidates,  
61 officeholders, political parties, political action committees, corporations, political issues  
62 committees, state school board candidates, judges, and labor organizations, as defined in  
63 Section 20A-11-1501; and

64 (b) the county clerk for local school board candidates.

65 (6) (a) "Contribution" means any of the following when done for political purposes:

66 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
67 value given to the filing entity;

68 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
69 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
70 anything of value to the filing entity;

71 (iii) any transfer of funds from another reporting entity to the filing entity;

72 (iv) compensation paid by any person or reporting entity other than the filing entity for  
73 personal services provided without charge to the filing entity;

74 (v) remuneration from:

75 (A) any organization or its directly affiliated organization that has a registered lobbyist;

76 or

77 (B) any agency or subdivision of the state, including school districts;

78 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

79 (vii) in-kind contributions.

80 (b) "Contribution" does not include:

81 (i) services provided by individuals volunteering a portion or all of their time on behalf  
82 of the filing entity if the services are provided without compensation by the filing entity or any  
83 other person;

84 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
85 business; or

86 (iii) goods or services provided for the benefit of a candidate or political party at less  
87 than fair market value that are not authorized by or coordinated with the candidate or political  
88 party.

89 (7) "Coordinated with" means that goods or services provided for the benefit of a

90 candidate or political party are provided:

91 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
92 party does not object;

93 (b) by agreement with the candidate or political party;

94 (c) in coordination with the candidate or political party; or

95 (d) using official logos, slogans, and similar elements belonging to a candidate or  
96 political party.

97 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
98 organization that is registered as a corporation or is authorized to do business in a state and  
99 makes any expenditure from corporate funds for:

100 (i) the purpose of expressly advocating for political purposes; or

101 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
102 proposition.

103 (b) "Corporation" does not mean:

104 (i) a business organization's political action committee or political issues committee; or

105 (ii) a business entity organized as a partnership or a sole proprietorship.

106 (9) "County political party" means, for each registered political party, all of the persons  
107 within a single county who, under definitions established by the political party, are members of  
108 the registered political party.

109 (10) "County political party officer" means a person whose name is required to be  
110 submitted by a county political party to the lieutenant governor in accordance with Section  
111 [20A-8-402](#).

112 (11) "Detailed listing" means:

113 (a) for each contribution or public service assistance:

114 (i) the name and address of the individual or source making the contribution or public  
115 service assistance;

116 (ii) if, when the reporting entity files the financial statement, the individual or source  
117 that made the contribution or provided the public service assistance being reported is listed on  
118 the lieutenant governor's website as a reporting entity, a principal as defined in Section  
119 [36-11-102](#), or a lobbyist as defined in Section [36-11-102](#), an indication that the individual or  
120 source is:

- 121           (A) a reporting entity;
- 122           (B) a principal as defined in Section 36-11-102; or
- 123           (C) a lobbyist as defined in Section 36-11-102;
- 124           ~~(ii)~~ (iii) the amount or value of the contribution or public service assistance; and
- 125           ~~(iii)~~ (iv) the date the contribution or public service assistance was made; and
- 126           (b) for each expenditure:
- 127           (i) the amount of the expenditure;
- 128           (ii) the person or entity to whom it was disbursed;
- 129           (iii) the specific purpose, item, or service acquired by the expenditure; and
- 130           (iv) the date the expenditure was made.
- 131           (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 132 for membership in the corporation, to a corporation without receiving full and adequate
- 133 consideration for the money.
- 134           (b) "Donor" does not include a person that signs a statement that the corporation may
- 135 not use the money for an expenditure or political issues expenditure.
- 136           (13) "Election" means each:
- 137           (a) regular general election;
- 138           (b) regular primary election; and
- 139           (c) special election at which candidates are eliminated and selected.
- 140           (14) "Electioneering communication" means a communication that:
- 141           (a) has at least a value of \$10,000;
- 142           (b) clearly identifies a candidate or judge; and
- 143           (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 144 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 145 identified candidate's or judge's election date.
- 146           (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 147 agent of a reporting entity on behalf of the reporting entity:
- 148           (i) any disbursement from contributions, receipts, or from the separate bank account
- 149 required by this chapter;
- 150           (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 151 or anything of value made for political purposes;

152 (iii) an express, legally enforceable contract, promise, or agreement to make any  
153 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
154 value for political purposes;

155 (iv) compensation paid by a filing entity for personal services rendered by a person  
156 without charge to a reporting entity;

157 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
158 committee; or

159 (vi) goods or services provided by the filing entity to or for the benefit of another  
160 reporting entity for political purposes at less than fair market value.

161 (b) "Expenditure" does not include:

162 (i) services provided without compensation by individuals volunteering a portion or all  
163 of their time on behalf of a reporting entity;

164 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
165 business; or

166 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
167 candidates for office or officeholders in states other than Utah.

168 (16) "Federal office" means the office of president of the United States, United States  
169 Senator, or United States Representative.

170 (17) "Filing entity" means the reporting entity that is required to file a financial  
171 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

172 (18) "Financial statement" includes any summary report, interim report, verified  
173 financial statement, or other statement disclosing contributions, expenditures, receipts,  
174 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
175 Retention Elections.

176 (19) "Governing board" means the individual or group of individuals that determine the  
177 candidates and committees that will receive expenditures from a political action committee,  
178 political party, or corporation.

179 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
180 Incorporation, by which a geographical area becomes legally recognized as a city or town.

181 (21) "Incorporation election" means the election authorized by Section [10-2-111](#) or  
182 [10-2-127](#).

183 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or  
184 10-2-125.

185 (23) "Individual" means a natural person.

186 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
187 by or coordinated with a filing entity.

188 (25) "Interim report" means a report identifying the contributions received and  
189 expenditures made since the last report.

190 (26) "Legislative office" means the office of state senator, state representative, speaker  
191 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
192 whip of any party caucus in either house of the Legislature.

193 (27) "Legislative office candidate" means a person who:

194 (a) files a declaration of candidacy for the office of state senator or state representative;

195 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
196 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
197 assistant whip of any party caucus in either house of the Legislature; or

198 (c) receives contributions, makes expenditures, or gives consent for any other person to  
199 receive contributions or make expenditures to bring about the person's nomination, election, or  
200 appointment to a legislative office.

201 (28) "Major political party" means either of the two registered political parties that  
202 have the greatest number of members elected to the two houses of the Legislature.

203 (29) "Officeholder" means a person who holds a public office.

204 (30) "Party committee" means any committee organized by or authorized by the  
205 governing board of a registered political party.

206 (31) "Person" means both natural and legal persons, including individuals, business  
207 organizations, personal campaign committees, party committees, political action committees,  
208 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

209 (32) "Personal campaign committee" means the committee appointed by a candidate to  
210 act for the candidate as provided in this chapter.

211 (33) "Personal use expenditure" has the same meaning as provided under Section  
212 20A-11-104.

213 (34) (a) "Political action committee" means an entity, or any group of individuals or

214 entities within or outside this state, a major purpose of which is to:

215 (i) solicit or receive contributions from any other person, group, or entity for political  
216 purposes; or

217 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
218 vote for or against any candidate or person seeking election to a municipal or county office.

219 (b) "Political action committee" includes groups affiliated with a registered political  
220 party but not authorized or organized by the governing board of the registered political party  
221 that receive contributions or makes expenditures for political purposes.

222 (c) "Political action committee" does not mean:

223 (i) a party committee;

224 (ii) any entity that provides goods or services to a candidate or committee in the regular  
225 course of its business at the same price that would be provided to the general public;

226 (iii) an individual;

227 (iv) individuals who are related and who make contributions from a joint checking  
228 account;

229 (v) a corporation, except a corporation a major purpose of which is to act as a political  
230 action committee; or

231 (vi) a personal campaign committee.

232 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
233 by another person on behalf of and with the knowledge of the reporting entity, to provide  
234 political advice to the reporting entity.

235 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
236 where the person:

237 (i) has already been paid, with money or other consideration;

238 (ii) expects to be paid in the future, with money or other consideration; or

239 (iii) understands that the person may, in the discretion of the reporting entity or another  
240 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
241 money or other consideration.

242 (36) "Political convention" means a county or state political convention held by a  
243 registered political party to select candidates.

244 (37) (a) "Political issues committee" means an entity, or any group of individuals or



245 entities within or outside this state, a major purpose of which is to:

246 (i) solicit or receive donations from any other person, group, or entity to assist in  
247 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
248 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

249 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
250 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
251 proposed ballot proposition or an incorporation in an incorporation election; or

252 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
253 ballot or to assist in keeping a ballot proposition off the ballot.

254 (b) "Political issues committee" does not mean:

255 (i) a registered political party or a party committee;

256 (ii) any entity that provides goods or services to an individual or committee in the  
257 regular course of its business at the same price that would be provided to the general public;

258 (iii) an individual;

259 (iv) individuals who are related and who make contributions from a joint checking  
260 account; or

261 (v) a corporation, except a corporation a major purpose of which is to act as a political  
262 issues committee.

263 (38) (a) "Political issues contribution" means any of the following:

264 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
265 anything of value given to a political issues committee;

266 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
267 issues donation to influence the approval or defeat of any ballot proposition;

268 (iii) any transfer of funds received by a political issues committee from a reporting  
269 entity;

270 (iv) compensation paid by another reporting entity for personal services rendered  
271 without charge to a political issues committee; and

272 (v) goods or services provided to or for the benefit of a political issues committee at  
273 less than fair market value.

274 (b) "Political issues contribution" does not include:

275 (i) services provided without compensation by individuals volunteering a portion or all

276 of their time on behalf of a political issues committee; or

277 (ii) money lent to a political issues committee by a financial institution in the ordinary  
278 course of business.

279 (39) (a) "Political issues expenditure" means any of the following when made by a  
280 political issues committee or on behalf of a political issues committee by an agent of the  
281 reporting entity:

282 (i) any payment from political issues contributions made for the purpose of influencing  
283 the approval or the defeat of:

284 (A) a ballot proposition; or

285 (B) an incorporation petition or incorporation election;

286 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
287 the express purpose of influencing the approval or the defeat of:

288 (A) a ballot proposition; or

289 (B) an incorporation petition or incorporation election;

290 (iii) an express, legally enforceable contract, promise, or agreement to make any  
291 political issues expenditure;

292 (iv) compensation paid by a reporting entity for personal services rendered by a person  
293 without charge to a political issues committee; or

294 (v) goods or services provided to or for the benefit of another reporting entity at less  
295 than fair market value.

296 (b) "Political issues expenditure" does not include:

297 (i) services provided without compensation by individuals volunteering a portion or all  
298 of their time on behalf of a political issues committee; or

299 (ii) money lent to a political issues committee by a financial institution in the ordinary  
300 course of business.

301 (40) "Political purposes" means an act done with the intent or in a way to influence or  
302 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
303 against any candidate or a person seeking a municipal or county office at any caucus, political  
304 convention, or election.

305 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
306 knowledge of an individual who has filed a declaration of candidacy for public office, or of a

307 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
308 person or by telephone, facsimile, Internet, postal mail, or email.

309 (b) "Poll" does not include:

310 (i) a ballot; or

311 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

312 (A) the focus group consists of more than three, and less than thirteen, individuals; and

313 (B) all individuals in the focus group are present during the interview.

314 (42) "Primary election" means any regular primary election held under the election

315 laws.

316 (43) "Public office" means the office of governor, lieutenant governor, state auditor,

317 state treasurer, attorney general, state school board member, state senator, state representative,

318 speaker of the House of Representatives, president of the Senate, and the leader, whip, and

319 assistant whip of any party caucus in either house of the Legislature.

320 ~~[(45)]~~ (44) "Publicly identified class of individuals" means a group of 50 or more

321 individuals sharing a common occupation, interest, or association that contribute to a political

322 action committee or political issues committee and whose names can be obtained by contacting

323 the political action committee or political issues committee upon whose financial statement the

324 individuals are listed.

325 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided

326 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to

327 communicate with the officeholder's constituents:

328 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

329 money or anything of value to an officeholder; or

330 (ii) goods or services provided at less than fair market value to or for the benefit of the

331 officeholder.

332 (b) "Public service assistance" does not include:

333 (i) anything provided by the state;

334 (ii) services provided without compensation by individuals volunteering a portion or all

335 of their time on behalf of an officeholder;

336 (iii) money lent to an officeholder by a financial institution in the ordinary course of

337 business;

338 (iv) news coverage or any publication by the news media; or  
339 (v) any article, story, or other coverage as part of any regular publication of any  
340 organization unless substantially all the publication is devoted to information about the  
341 officeholder.

342 (46) "Receipts" means contributions and public service assistance.

343 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
344 Lobbyist Disclosure and Regulation Act.

345 (48) "Registered political action committee" means any political action committee that  
346 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
347 Governor.

348 (49) "Registered political issues committee" means any political issues committee that  
349 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
350 Governor.

351 (50) "Registered political party" means an organization of voters that:

352 (a) participated in the last regular general election and polled a total vote equal to 2%  
353 or more of the total votes cast for all candidates for the United States House of Representatives  
354 for any of its candidates for any office; or

355 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
356 Party Formation and Procedures.

357 (51) (a) "Remuneration" means a payment:

358 (i) made to a legislator for the period the Legislature is in session; and  
359 (ii) that is approximately equivalent to an amount a legislator would have earned  
360 during the period the Legislature is in session in the legislator's ordinary course of business.

361 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

362 (i) the legislator's primary employer in the ordinary course of business; or  
363 (ii) a person or entity in the ordinary course of business:

364 (A) because of the legislator's ownership interest in the entity; or

365 (B) for services rendered by the legislator on behalf of the person or entity.

366 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
367 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
368 action committee, a political issues committee, a corporation, or a labor organization, as

369 defined in Section [20A-11-1501](#).

370 (53) "School board office" means the office of state school board.

371 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
372 intangible asset that comprises the contribution.

373 (b) "Source" means, for political action committees and corporations, the political  
374 action committee and the corporation as entities, not the contributors to the political action  
375 committee or the owners or shareholders of the corporation.

376 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
377 state auditor, and state treasurer.

378 (56) "State office candidate" means a person who:

379 (a) files a declaration of candidacy for a state office; or

380 (b) receives contributions, makes expenditures, or gives consent for any other person to  
381 receive contributions or make expenditures to bring about the person's nomination, election, or  
382 appointment to a state office.

383 (57) "Summary report" means the year end report containing the summary of a  
384 reporting entity's contributions and expenditures.

385 (58) "Supervisory board" means the individual or group of individuals that allocate  
386 expenditures from a political issues committee.

387 Section 2. Section **20A-11-105** is enacted to read:

388 **20A-11-105. Database of reporting entities, principals, and lobbyists.**

389 (1) As used in this section:

390 (a) "Lobbyist" means the same as that term is defined in Section [36-11-102](#).

391 (b) "Principal" means the same as that term is defined in Section [36-11-102](#).

392 (2) Beginning on July 1, 2015, the lieutenant governor shall establish and maintain a  
393 database of each reporting entity, principal, or lobbyist.

394 (3) The lieutenant governor shall:

395 (a) ensure that the database described in Subsection (2):

396 (i) identifies whether each person in the database is a reporting entity, a principal, or a  
397 lobbyist; and

398 (ii) is accessible and searchable by name from:

399 (A) a conspicuous link on the home page of the lieutenant governor's website; and

400 (B) the location on the lieutenant governor's website where a reporting entity completes  
401 a financial statement; and

402 (b) keep a record of the day on which the lieutenant governor adds:

403 (i) a reporting entity, principal, or lobbyist to the database; or

404 (ii) a designation that a person in the database is a reporting entity, principal, or  
405 lobbyist.

406 (4) (a) If it appears that a reporting entity has failed to include in a detailed listing an  
407 indication required under Subsection 20A-11-101(11)(a)(ii), the lieutenant governor shall,  
408 within five days after the day on which the lieutenant governor discovers the failure, notify the  
409 reporting entity of the failure and direct the reporting entity to file a financial statement  
410 correcting the failure.

411 (b) It is unlawful for a reporting entity to fail to file a corrected financial statement  
412 described in Subsection (4)(a) within seven days after the day on which the reporting entity  
413 receives the notice described in Subsection (4)(a).

414 (c) A reporting entity that violates Subsection (4)(b) is guilty of a class B  
415 misdemeanor.

416 (d) The lieutenant governor shall report all violations of Subsection (4)(b) to the  
417 attorney general.

418 (e) In addition to the criminal penalty described in Subsection (4)(c), the lieutenant  
419 governor shall impose a civil fine of \$100 against a reporting entity that violates Subsection  
420 (4)(b).

---

---

**Legislative Review Note**  
**as of 6-3-14 9:42 AM**

**Office of Legislative Research and General Counsel**