

REPORTING ELECTED OFFICIAL FUNDS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Eddie P. Mayne

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; ESTABLISHING
REQUIREMENTS FOR ELECTED OFFICIALS AND THEIR SURROGATES TO REPORT
INFORMATION ABOUT THEIR FUNDS.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

63-94-1, Utah Code Annotated 1953

63-94-2, Utah Code Annotated 1953

63-94-3, Utah Code Annotated 1953

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

Section 1. Section **63-94-1** is enacted to read:

CHAPTER 94. ELECTED OFFICIAL'S FUNDS**63-94-1. Title.**

This chapter shall be known as "Elected Official's Funds."

Section 2. Section **63-94-2** is enacted to read:

63-94-2. Definitions.

As used in this chapter:

(1) (a) "Contribution" means any of the following:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value
to a fund;

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

(iii) any transfer of funds from another elected official or surrogate to the filing elected

1 official's or surrogate's fund.

2 (b) "Contribution" does not include money lent to the elected official or surrogate by a
3 financial institution in the ordinary course of business.

4 (2) "Disbursement" means monies, transfers, or other withdrawals from a fund for any
5 purpose.

6 (3) "Elected official" means each person elected to a state office, county office, municipal
7 office, school board or school district office, or special district office.

8 (4) (a) "Fund" means any sum of money or other resources, however titled or described,
9 that is segregated, designated, or set aside for the use or benefit of an elected official.

10 (b) "Fund" does not mean:

11 (i) an elected official's or surrogate's private money or public money; or

12 (ii) campaign funds or accounts established by candidates under the authority of Title 20A,
13 Chapter 11, Part 2, State Office Candidates -- Campaign Organization and Financial Reporting
14 Requirements, Title 20A, Chapter 11, Part 3, Candidates for Legislative Office -- Campaign
15 Organization and Financial Reporting Requirements, and Title 20A, Chapter 11, Part 4,
16 Officeholder Financial Reporting Requirement.

17 (5) "Private money" means personal monies used to pay normal expenses for which an
18 elected official or surrogate is personally liable for state and federal taxes.

19 (6) "Public money" means monies controlled by an elected official or surrogate in their
20 public capacity that are accounted for by a governmental entity.

21 (7) "Surrogate" means any committee, party, organization, or other person or group who
22 holds or maintains a fund for the benefit of an elected official.

23 Section 3. Section **63-94-3** is enacted to read:

24 **63-94-3. Reporting of funds -- Reports are public records.**

25 (1) (a) By January 5 of each year, each state elected official, each multicounty elected
26 official, each surrogate for a state elected official, and each surrogate for a multicounty elected
27 official shall file a funds report containing the information required by this section with the
28 lieutenant governor.

29 (b) By January 5 of each year, each local elected official and each surrogate for a local
30 elected official shall file a funds report containing the information required by this section with
31 the county clerk of the county in which the local elected official exercises his official duties.

- 1 (2) Each report shall contain:
2 (a) the dollar value of the fund as of December 31 of the previous year;
3 (b) an itemized list of disbursements from the fund during the previous calendar year
4 identifying:
5 (i) the date of each disbursement;
6 (ii) the name and address of each person or entity to whom a disbursement was made; and
7 (iii) the purpose of each disbursement; and
8 (c) an itemized list of contributions to the fund during the previous calendar year,
9 identifying:
10 (i) the date of each contribution; and
11 (ii) the name and address of each person or entity from whom a contribution was received.
12 (3) Reports filed under this section are classified as public records for purposes of
13 disclosure under Title 63, Chapter 2, Government Records Access and Management Act.
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Legislative Review Note
as of 1-27-98 6:57 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel