

POLITICAL ACTION COMMITTEE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies the Election Code to restrict a legislative office candidate or legislative office holder from receiving a salary or other remuneration from a political action committee.

Highlighted Provisions:

This bill:

- ▶ prohibits a legislative office candidate or legislative office holder from receiving a salary or other remuneration for services provided by the legislative office candidate or legislative office holder to a political action committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-301, as last amended by Laws of Utah 2012, Chapter 230

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

Section 1. Section **20A-11-301** is amended to read:

20A-11-301. Legislative office candidate -- Campaign finance requirements --



28 **Candidate as a political action committee officer -- No personal use -- Report**
29 **contributions within 30 days -- Report other accounts.**

30 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public
31 service assistance received in one or more separate accounts in a financial institution that are
32 dedicated only to that purpose.

33 (ii) A legislative office candidate may:

34 (A) receive a contribution or public service assistance from a political action
35 committee registered under Section 20A-11-601; and

36 (B) be designated by a political action committee as an officer who has primary
37 decision-making authority as described in Section 20A-11-601.

38 (b) A legislative office candidate or legislative office holder may not receive a salary or
39 other remuneration for services provided by the legislative office candidate or legislative office
40 holder to a political action committee.

41 [~~(b)~~] (c) A legislative office candidate or the candidate's personal campaign committee
42 may not use money deposited in an account described in Subsection (1)(a)(i) for:

43 (i) a personal use expenditure; or

44 (ii) an expenditure prohibited by law.

45 (2) A legislative office candidate may not deposit or mingle any contributions or public
46 service assistance received into a personal or business account.

47 (3) If a person who is no longer a legislative candidate chooses not to expend the
48 money remaining in a campaign account, the person shall continue to file the year-end
49 summary report required by Section 20A-11-302 until the statement of dissolution and final
50 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

51 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
52 is no longer a legislative office candidate may not expend or transfer the money in a campaign
53 account in a manner that would cause the former legislative office candidate to recognize the
54 money as taxable income under federal tax law.

55 (b) A person who is no longer a legislative office candidate may transfer the money in
56 a campaign account in a manner that would cause the former legislative office candidate to
57 recognize the money as taxable income under federal tax law if the transfer is made to a
58 campaign account for federal office.

59 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:
60 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
61 member of the candidate's personal campaign committee;
62 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
63 instrument or check is negotiated; and
64 (iii) for any other type of contribution, that any portion of the contribution's benefit
65 inures to the legislative office candidate.

66 (b) Each legislative office candidate shall report each contribution and public service
67 assistance to the lieutenant governor within 30 days after the contribution or public service
68 assistance is received.

69 (6) (a) As used in this Subsection (6), "account" means an account in a financial
70 institution:

71 (i) that is not described in Subsection (1)(a)(i); and
72 (ii) into which or from which a person who, as a candidate for an office, other than a
73 legislative office for which the person files a declaration of candidacy or federal office, or as a
74 holder of an office, other than a legislative office for which the person files a declaration of
75 candidacy or federal office, deposits a contribution or makes an expenditure.

76 (b) A legislative office candidate shall include on any financial statement filed in
77 accordance with this part:

78 (i) a contribution deposited in an account:
79 (A) since the last campaign finance statement was filed; or
80 (B) that has not been reported under a statute or ordinance that governs the account; or
81 (ii) an expenditure made from an account:
82 (A) since the last campaign finance statement was filed; or
83 (B) that has not been reported under a statute or ordinance that governs the account.

Legislative Review Note
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Office of Legislative Research and General Counsel