

CAMPAIGN FINANCE REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to campaign finance, conflicts of interest, and financial disclosures.

Highlighted Provisions:

This bill:

- defines terms;
- requires that a financial report include expenditures made by a reporting entity or an agent (including a political consultant) of a reporting entity on behalf of the reporting entity;
- provides that "contribution" includes a loan by a candidate to the candidate's own campaign;
- defines "in-kind" contributions;
- grants rulemaking authority to the director of elections within the Lieutenant Governor's Office;
- provides that when a person makes a detailed listing that discloses or reports the source of a contribution, discloses or reports the person or entity to whom a disbursement is made, or discloses or reports the identity of a donor, the person:

29 • shall reveal the actual source of the contribution, the actual person or entity to
30 whom the disbursement is ultimately made, or the actual identity of the donor;
31 and

- 32 • may not merely list, disclose, or report the transactional intermediary;
- 33 ▶ modifies required filing dates for a financial disclosure form filed by a regulated
34 officeholder;
- 35 ▶ modifies and expands the information that a regulated officeholder is required to
36 disclose in a financial disclosure form, including information for the year preceding
37 the day on which the regulated officeholder files a financial disclosure form;
- 38 ▶ expands disclosure provisions to include a regulated officeholder's involvement in
39 limited liability corporations and other entities;
- 40 ▶ clarifies that a regulated officeholder may file an amended financial disclosure form
41 at any time;
- 42 ▶ addresses the publication and retention of financial disclosure forms;
- 43 ▶ establishes criminal and civil penalties for violating certain provisions of this bill
44 relating to the filing or content of a financial disclosure form;
- 45 ▶ describes duties of the lieutenant governor for reviewing a financial disclosure form
46 and enforcing the provisions of this bill;
- 47 ▶ provides that the lieutenant governor shall deposit a fine collected under this bill
48 into the General Fund as a dedicated credit to pay for the costs of administering the
49 provisions of this bill; and
- 50 ▶ makes technical and conforming changes.

51 **Money Appropriated in this Bill:**

52 None

53 **Other Special Clauses:**

54 This bill provides an immediate effective date.

55 **Utah Code Sections Affected:**

56 AMENDS:

57 20A-11-101, as last amended by Laws of Utah 2013, Chapters 86, 170, 318, and 420

58 20A-11-1601, as enacted by Laws of Utah 2010, Chapter 12

59 20A-11-1602, as enacted by Laws of Utah 2010, Chapter 12

60 20A-11-1603, as last amended by Laws of Utah 2011, Chapter 297

61 ENACTS:

62 20A-11-101.3, Utah Code Annotated 1953

63 20A-11-101.5, Utah Code Annotated 1953

64 20A-11-1605, Utah Code Annotated 1953

65 20A-12-301.5, Utah Code Annotated 1953

66 RENUMBERS AND AMENDS:

67 20A-11-1604, (Renumbered from 76-8-109, as last amended by Laws of Utah 2013,

68 Chapter 278)



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

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

72 **20A-11-101. Definitions.**

73 As used in this chapter:

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

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

77 (a) a person acting on behalf of a reporting entity at the direction of the reporting
78 entity;

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

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

82 (d) a member of the personal campaign committee of a candidate or officeholder in the
83 member's capacity as a member of the personal campaign committee of the candidate or
84 officeholder; or

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

86 [~~(2)~~] (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
87 amendments, and any other ballot propositions submitted to the voters that are authorized by
88 the Utah Code Annotated 1953.

89 [~~(3)~~] (4) "Candidate" means any person who:

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

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

94 [~~(4)~~] (5) "Chief election officer" means:

95 (a) the lieutenant governor for state office candidates, legislative office candidates,
96 officeholders, political parties, political action committees, corporations, political issues
97 committees, state school board candidates, judges, and labor organizations, as defined in
98 Section [20A-11-1501](#); and

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

100 [~~(5)~~] (6) (a) "Contribution" means any of the following when done for political
101 purposes:

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

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

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

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

110 (v) remuneration from:

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

112 or

113 (B) any agency or subdivision of the state, including school districts; ~~[and]~~
114 ~~[(vi) goods or services provided to or for the benefit of the filing entity at less than fair~~
115 ~~market value.]~~

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

117 (vii) in-kind contributions.

118 (b) "Contribution" does not include:

119 (i) services provided ~~[without compensation]~~ by individuals volunteering a portion or
120 all of their time on behalf of the filing entity if the services are provided without compensation
121 by the filing entity or any other person;

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

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

127 ~~[(6)]~~ (7) "Coordinated with" means that goods or services provided for the benefit of a
128 candidate or political party are provided:

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

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

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

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

135 ~~[(7)]~~ (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
136 organization that is registered as a corporation or is authorized to do business in a state and
137 makes any expenditure from corporate funds for:

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

139 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
140 proposition.

- 141 (b) "Corporation" does not mean:
- 142 (i) a business organization's political action committee or political issues committee; or
- 143 (ii) a business entity organized as a partnership or a sole proprietorship.
- 144 ~~[(8)]~~ (9) "County political party" means, for each registered political party, all of the
- 145 persons within a single county who, under definitions established by the political party, are
- 146 members of the registered political party.
- 147 ~~[(9)]~~ (10) "County political party officer" means a person whose name is required to be
- 148 submitted by a county political party to the lieutenant governor in accordance with Section
- 149 [20A-8-402](#).
- 150 ~~[(10)]~~ (11) "Detailed listing" means:
- 151 (a) for each contribution or public service assistance:
- 152 (i) the name and address of the individual or source making the contribution or public
- 153 service assistance;
- 154 (ii) the amount or value of the contribution or public service assistance; and
- 155 (iii) the date the contribution or public service assistance was made; and
- 156 (b) for each expenditure:
- 157 (i) the amount of the expenditure;
- 158 (ii) the person or entity to whom it was disbursed;
- 159 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 160 (iv) the date the expenditure was made.
- 161 ~~[(11)]~~ (12) (a) "Donor" means a person that gives money, including a fee, due, or
- 162 assessment for membership in the corporation, to a corporation without receiving full and
- 163 adequate consideration for the money.
- 164 (b) "Donor" does not include a person that signs a statement that the corporation may
- 165 not use the money for an expenditure or political issues expenditure.
- 166 ~~[(12)]~~ (13) "Election" means each:
- 167 (a) regular general election;
- 168 (b) regular primary election; and

169 (c) special election at which candidates are eliminated and selected.

170 [~~(13)~~] (14) "Electioneering communication" means a communication that:

171 (a) has at least a value of \$10,000;

172 (b) clearly identifies a candidate or judge; and

173 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
174 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
175 identified candidate's or judge's election date.

176 [~~(14)~~] (15) (a) "Expenditure" means any of the following made by a reporting entity or
177 an agent of a reporting entity on behalf of the reporting entity:

178 (i) any disbursement from contributions, receipts, or from the separate bank account
179 required by this chapter;

180 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
181 or anything of value made for political purposes;

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

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

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

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

191 (b) "Expenditure" does not include:

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

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

196 (iii) anything listed in Subsection [~~(14)~~] (15)(a) that is given by a reporting entity to

197 candidates for office or officeholders in states other than Utah.

198 ~~[(15)]~~ (16) "Federal office" means the office of president of the United States, United
199 States Senator, or United States Representative.

200 ~~[(16)]~~ (17) "Filing entity" means the reporting entity that is required to file a financial
201 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

202 ~~[(17)]~~ (18) "Financial statement" includes any summary report, interim report, verified
203 financial statement, or other statement disclosing contributions, expenditures, receipts,
204 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
205 Retention Elections.

206 ~~[(18)]~~ (19) "Governing board" means the individual or group of individuals that
207 determine the candidates and committees that will receive expenditures from a political action
208 committee, political party, or corporation.

209 ~~[(19)]~~ (20) "Incorporation" means the process established by Title 10, Chapter 2, Part
210 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

211 ~~[(20)]~~ (21) "Incorporation election" means the election authorized by Section 10-2-111.

212 ~~[(21)]~~ (22) "Incorporation petition" means a petition authorized by Section 10-2-109.

213 ~~[(22)]~~ (23) "Individual" means a natural person.

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

216 ~~[(23)]~~ (25) "Interim report" means a report identifying the contributions received and
217 expenditures made since the last report.

218 ~~[(24)]~~ (26) "Legislative office" means the office of state senator, state representative,
219 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
220 assistant whip of any party caucus in either house of the Legislature.

221 ~~[(25)]~~ (27) "Legislative office candidate" means a person who:

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

223 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
224 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

225 assistant whip of any party caucus in either house of the Legislature; or

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

229 [~~(26)~~] (28) "Major political party" means either of the two registered political parties
230 that have the greatest number of members elected to the two houses of the Legislature.

231 [~~(27)~~] (29) "Officeholder" means a person who holds a public office.

232 [~~(28)~~] (30) "Party committee" means any committee organized by or authorized by the
233 governing board of a registered political party.

234 [~~(29)~~] (31) "Person" means both natural and legal persons, including individuals,
235 business organizations, personal campaign committees, party committees, political action
236 committees, political issues committees, and labor organizations, as defined in Section
237 [20A-11-1501](#).

238 [~~(30)~~] (32) "Personal campaign committee" means the committee appointed by a
239 candidate to act for the candidate as provided in this chapter.

240 [~~(31)~~] (33) "Personal use expenditure" has the same meaning as provided under Section
241 [20A-11-104](#).

242 [~~(32)~~] (34) (a) "Political action committee" means an entity, or any group of
243 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

252 (i) a party committee;

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

255 (iii) an individual;

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

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

260 (vi) a personal campaign committee.

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

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

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

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

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

271 [~~33~~] (36) "Political convention" means a county or state political convention held by
272 a registered political party to select candidates.

273 [~~34~~] (37) (a) "Political issues committee" means an entity, or any group of individuals
274 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

287 (iii) an individual;

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

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

292 [~~35~~] (38) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

308 [~~36~~] (39) (a) "Political issues expenditure" means any of the following when made by

309 a political issues committee or on behalf of a political issues committee by an agent of the
310 reporting entity:

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

313 (A) a ballot proposition; or

314 (B) an incorporation petition or incorporation election;

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

317 (A) a ballot proposition; or

318 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

330 [~~37~~] (40) "Political purposes" means an act done with the intent or in a way to
331 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
332 for or against any candidate or a person seeking a municipal or county office at any caucus,
333 political convention, or election.

334 [~~38~~] (41) (a) "Poll" means the survey of a person regarding the person's opinion or
335 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
336 ballot proposition that has legally qualified for placement on the ballot, which is conducted in

337 person or by telephone, facsimile, Internet, postal mail, or email.

338 (b) "Poll" does not include:

339 (i) a ballot; or

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

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

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

343 [~~(39)~~] (42) "Primary election" means any regular primary election held under the
344 election laws.

345 [~~(40)~~] (43) "Public office" means the office of governor, lieutenant governor, state
346 auditor, state treasurer, attorney general, state or local school board member, state senator, state
347 representative, speaker of the House of Representatives, president of the Senate, and the leader,
348 whip, and assistant whip of any party caucus in either house of the Legislature.

349 [~~(41)~~] (44) (a) "Public service assistance" means the following when given or provided
350 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
351 communicate with the officeholder's constituents:

352 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
353 money or anything of value to an officeholder; or

354 (ii) goods or services provided at less than fair market value to or for the benefit of the
355 officeholder.

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

357 (i) anything provided by the state;

358 (ii) services provided without compensation by individuals volunteering a portion or all
359 of their time on behalf of an officeholder;

360 (iii) money lent to an officeholder by a financial institution in the ordinary course of
361 business;

362 (iv) news coverage or any publication by the news media; or

363 (v) any article, story, or other coverage as part of any regular publication of any
364 organization unless substantially all the publication is devoted to information about the

365 officeholder.

366 ~~[(42)]~~ (45) "Publicly identified class of individuals" means a group of 50 or more
367 individuals sharing a common occupation, interest, or association that contribute to a political
368 action committee or political issues committee and whose names can be obtained by contacting
369 the political action committee or political issues committee upon whose financial statement the
370 individuals are listed.

371 ~~[(43)]~~ (46) "Receipts" means contributions and public service assistance.

372 ~~[(44)]~~ (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
373 Lobbyist Disclosure and Regulation Act.

374 ~~[(45)]~~ (48) "Registered political action committee" means any political action
375 committee that is required by this chapter to file a statement of organization with the Office of
376 the Lieutenant Governor.

377 ~~[(46)]~~ (49) "Registered political issues committee" means any political issues
378 committee that is required by this chapter to file a statement of organization with the Office of
379 the Lieutenant Governor.

380 ~~[(47)]~~ (50) "Registered political party" means an organization of voters that:

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

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

386 ~~[(48)]~~ (51) (a) "Remuneration" means a payment:

387 (i) made to a legislator for the period the Legislature is in session; and

388 (ii) that is approximately equivalent to an amount a legislator would have earned
389 during the period the Legislature is in session in the legislator's ordinary course of business.

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

391 (i) the legislator's primary employer in the ordinary course of business; or

392 (ii) a person or entity in the ordinary course of business:

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

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

395 [~~(49)~~] (52) "Reporting entity" means a candidate, a candidate's personal campaign

396 committee, a judge, a judge's personal campaign committee, an officeholder, a party

397 committee, a political action committee, a political issues committee, a corporation, or a labor

398 organization, as defined in Section 20A-11-1501.

399 [~~(50)~~] (53) "School board office" means the office of state school board or local school

400 board.

401 [~~(51)~~] (54) (a) "Source" means the person or entity that is the legal owner of the

402 tangible or intangible asset that comprises the contribution.

403 (b) "Source" means, for political action committees and corporations, the political

404 action committee and the corporation as entities, not the contributors to the political action

405 committee or the owners or shareholders of the corporation.

406 [~~(52)~~] (55) "State office" means the offices of governor, lieutenant governor, attorney

407 general, state auditor, and state treasurer.

408 [~~(53)~~] (56) "State office candidate" means a person who:

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

410 (b) receives contributions, makes expenditures, or gives consent for any other person to

411 receive contributions or make expenditures to bring about the person's nomination, election, or

412 appointment to a state office.

413 [~~(54)~~] (57) "Summary report" means the year end report containing the summary of a

414 reporting entity's contributions and expenditures.

415 [~~(55)~~] (58) "Supervisory board" means the individual or group of individuals that

416 allocate expenditures from a political issues committee.

417 Section 2. Section 20A-11-101.3 is enacted to read:

418 **20A-11-101.3. Detailed listing -- Rulemaking authority.**

419 The director of elections, within the Lieutenant Governor's Office, may make rules, in

420 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to the

421 form, type, and level of detail required in a detailed listing or a financial disclosure form.

422 Section 3. Section **20A-11-101.5** is enacted to read:

423 **20A-11-101.5. Disclosure of actual source or recipient required.**

424 (1) As used in this section, "transactional intermediary" means a person, including a
425 credit card company, a financial institution, or a money transfer service, that pays or transfers
426 money to a person on behalf of another person.

427 (2) When, under this chapter, a person makes a detailed listing, discloses or reports the
428 source of a contribution, discloses or reports the person or entity to whom a disbursement is
429 made, or discloses or reports the identity of a donor, the person:

430 (a) shall reveal the actual source of the contribution, the actual person or entity to
431 whom the disbursement is ultimately made, or the actual identity of the donor; and

432 (b) may not merely list, disclose, or report the transactional intermediary.

433 Section 4. Section **20A-11-1601** is amended to read:

434 **Part 16. Financial Disclosures**

435 **20A-11-1601. Title.**

436 This part is known as [~~"Candidate]~~ "Financial Disclosures."

437 Section 5. Section **20A-11-1602** is amended to read:

438 **20A-11-1602. Definitions.**

439 [~~(1) "Filing officer" is as defined in Section 20A-9-101.]~~

440 As used in this part:

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

447 (2) "Entity" means a corporation, a partnership, a limited liability company, a limited
448 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint

449 venture, a governmental entity, an unincorporated organization, or any other legal entity,
450 regardless of whether it is established primarily for the purpose of gain or economic profit.

451 (3) "Immediate family" means the regulated officeholder's spouse, a child living in the
452 regulated officeholder's immediate household, or an individual claimed as a dependent for state
453 or federal income tax purposes by the regulated officeholder.

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

458 (5) (a) "Owner or officer" means an individual who owns an ownership interest in an
459 entity or holds a position where the person has authority to manage, direct, control, or make
460 decisions for:

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

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

463 (b) "Owner or officer" includes:

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

465 (ii) a partner in any type of partnership.

466 (6) "Preceding year" means the year immediately preceding the day on which the
467 regulated officeholder files a financial disclosure form.

468 (7) "Regulated officeholder" means an individual who is required to file a financial
469 disclosure form under the provisions of this part.

470 ~~[(2)]~~ (8) "State constitutional officer" means the governor, the lieutenant governor, the
471 state auditor, the state treasurer, or the attorney general.

472 Section 6. Section **20A-11-1603** is amended to read:

473 **20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**
474 **Public availability.**

475 (1) Candidates seeking the following offices shall file a financial disclosure with the
476 filing officer at the time of filing a declaration of candidacy:

- 477 (a) state constitutional officer;
- 478 (b) state legislator; or
- 479 (c) State Board of Education member.

480 (2) A filing officer may not accept a declaration of candidacy for an office listed in
 481 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure
 482 required by this section.

483 (3) The financial disclosure form shall contain the same requirements and shall be in
 484 the same format as the financial disclosure form described in Section ~~[76-8-109]~~ 20A-11-1604.

485 (4) The financial disclosure form shall:

- 486 (a) be made available for public inspection at the filing officer's place of business;
- 487 (b) if the filing officer is an individual other than the lieutenant governor, be provided
 488 to the lieutenant governor within five business days of the date of filing and be made publicly
 489 available at the Office of the Lieutenant Governor; and
- 490 (c) be made publicly available on the Statewide Electronic Voter Information Website
 491 administered by the lieutenant governor.

492 Section 7. Section **20A-11-1604**, which is renumbered from Section 76-8-109 is
 493 renumbered and amended to read:

494 ~~[76-8-109]~~. **20A-11-1604. Failure to disclose conflict of interest -- Failure to**
 495 **comply with reporting requirements.**

496 ~~[(1) As used in this section:]~~

497 ~~[(a) "Conflict of interest" means an action that is taken by a regulated officeholder that~~
 498 ~~the officeholder reasonably believes may cause direct financial benefit or detriment to the~~
 499 ~~officeholder, a member of the officeholder's immediate family, or an entity that the officeholder~~
 500 ~~is required to disclose under the provisions of this section, and that benefit or detriment is~~
 501 ~~distinguishable from the effects of that action on the public or on the officeholder's profession,~~
 502 ~~occupation, or association generally.]~~

503 ~~[(b) "Entity" means a corporation, a partnership, a limited liability company, a limited~~
 504 ~~partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint~~

505 venture, a governmental entity, an unincorporated organization, or any other legal entity,
506 whether established primarily for the purpose of gain or economic profit or not.]

507 [(c) "Filer" means the individual filing a financial declaration under this section.]

508 [(d) "Immediate family" means the regulated officeholder's spouse and children living
509 in the officeholder's immediate household.]

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

514 [(f) "Regulated officeholder" means an individual that is required to file a financial
515 disclosure under the provisions and requirements of this section.]

516 [(g) "State constitutional officer" means the governor, the lieutenant governor, the state
517 auditor, the state treasurer, or the attorney general.]

518 [(2)] (1) (a) Before or during the execution of any order, settlement, declaration,
519 contract, or any other official act of office in which a state constitutional officer has actual
520 knowledge that the state constitutional officer has a conflict of interest [which] that is not
521 stated on the financial disclosure form [~~required under Subsection (4), the~~] described in this
522 section, the state constitutional officer shall publicly declare that the state constitutional officer
523 may have a conflict of interest and what that conflict of interest is.

524 (b) Before or during any vote on legislation or any legislative matter in which a
525 legislator has actual knowledge that the legislator has a conflict of interest [which] that is not
526 stated on the financial disclosure form [~~required under Subsection (4)] described in this
527 section, the legislator shall orally declare to the committee or body before which the matter is
528 pending that the legislator may have a conflict of interest and what that conflict is.~~

529 (c) Before or during any vote on any rule, resolution, order, or any other board matter
530 in which a member of the State Board of Education has actual knowledge that the member has
531 a conflict of interest [which] that is not stated on the financial disclosure form [~~required under~~
532 ~~Subsection (4)] described in this section, the member shall orally declare to the board that the~~

533 member may have a conflict of interest and what that conflict of interest is.

534 ~~[(3)]~~ (2) Any public declaration of a conflict of interest that is made under Subsection
535 ~~[(2)]~~ (1) shall be noted:

536 (a) on the official record of the action taken, for a state constitutional officer;

537 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
538 applicable, for a legislator; or

539 (c) in the minutes of the meeting or on the official record of the action taken, for a
540 member of the State Board of Education.

541 ~~[(4)(a) The following individuals shall file a financial disclosure form:]~~

542 ~~[(i) a]~~ (3) (a) A state constitutional officer~~[, to be due]~~ shall file a financial disclosure
543 form:

544 (i) on the tenth day of January of each year, or the following business day if the due
545 date falls on a weekend or holiday; and

546 ~~[(ii) a legislator, at the following times:]~~

547 (ii) each time the state constitutional officer changes employment.

548 (b) A legislator shall file a financial disclosure form:

549 ~~[(A)]~~ (i) on the first day of each general session of the Legislature; and

550 ~~[(B)]~~ (ii) each time the legislator changes employment[;].

551 ~~[(iii) a]~~ (c) A member of the State Board of Education~~[, at the following times]~~ shall
552 file a financial disclosure form:

553 ~~[(A)]~~ (i) on the tenth day of January of each year, or the following business day if the
554 due date falls on a weekend or holiday; and

555 ~~[(B)]~~ (ii) each time the member changes employment.

556 ~~[(b)]~~ (4) The financial disclosure form described in Subsection (3) shall include:

557 ~~[(i) the filer's name;]~~

558 (a) the regulated officeholder's name;

559 ~~[(ii)]~~ (b) the name and address of ~~[the filer's primary employer]~~ each of the regulated
560 officeholder's current employers and each of the regulated officeholder's employers during the

561 preceding year;
 562 ~~[(iii)]~~ (c) for each employer described in Subsection (4)(b), a brief description of the
 563 ~~[filer's]~~ employment, including the ~~[filer's]~~ regulated officeholder's occupation and, as
 564 applicable, job title;
 565 ~~[(iv)]~~ (d) for each entity in which the ~~[filer]~~ regulated officeholder is an owner or ~~[an]~~
 566 officer, or was an owner or officer during the preceding year:
 567 ~~[(A)]~~ (i) the name of the entity;
 568 ~~[(B)]~~ (ii) a brief description of the type of business or activity conducted by the entity;
 569 and
 570 ~~[(C)]~~ (iii) the ~~[filer's]~~ regulated officeholder's position in the entity;
 571 ~~[(v)]~~ (e) in accordance with Subsection (5)(b), for each ~~[entity that has paid]~~ individual
 572 from whom, or entity from which, the regulated officeholder has received \$5,000 or more in
 573 income [to the filer within the one-year period ending immediately before the date of the
 574 disclosure form] during the preceding year:
 575 ~~[(A)]~~ (i) the name of the individual or entity; and
 576 ~~[(B)]~~ (ii) a brief description of the type of business or activity conducted by the
 577 individual or entity;
 578 ~~[(vi)]~~ (f) for each entity in which the ~~[filer]~~ regulated officeholder holds any stocks or
 579 bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or
 580 during the preceding year, but excluding funds that are managed by a third party, including
 581 blind trusts, managed investment accounts, and mutual funds:
 582 ~~[(A)]~~ (i) the name of the entity; and
 583 ~~[(B)]~~ (ii) a brief description of the type of business or activity conducted by the entity;
 584 ~~[(vii)]~~ (g) for each entity not listed in Subsections ~~[(4)(b)(iv) through (4)(b)(vi);]~~ (4)(d)
 585 through (f) in which the [filer serves] regulated officeholder currently serves, or served in the
 586 preceding year, on the board of directors or in any other type of [formal advisory capacity] paid
 587 leadership capacity:
 588 ~~[(A)]~~ (i) the name of the entity or organization;

589 ~~[(B)]~~ (ii) a brief description of the type of business or activity conducted by the entity;

590 and

591 ~~[(C)]~~ (iii) the type of advisory position held by the [filer] regulated officeholder;

592 ~~[(viii)]~~ (h) at the option of the [filer] regulated officeholder, a description of any real
593 property in which the [filer] regulated officeholder holds an ownership or other financial
594 interest that the [filer] regulated officeholder believes may constitute a conflict of interest,
595 including~~[(A) a description of the real property, and (B)]~~ a description of the type of interest
596 held by the [filer] regulated officeholder in the property;

597 ~~[(ix)]~~ (i) the name of the [filer's] regulated officeholder's spouse and any other adult
598 residing in the [filer's] regulated officeholder's household ~~[that]~~ who is not related by blood or
599 marriage, as applicable;

600 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
601 is required to provide under Subsection (4)(b);

602 ~~[(x)]~~ (k) a brief description of the employment and occupation of ~~[the filer's spouse and~~
603 ~~any other adult residing in the filer's household that]~~ each adult who:

604 (i) resides in the regulated officeholder's household; and

605 (ii) is not related to the regulated officeholder by blood or marriage~~[, as applicable];~~

606 ~~[(xi)]~~ (l) at the option of the [filer] regulated officeholder, a description of any other
607 matter or interest that the [filer] regulated officeholder believes may constitute a conflict of
608 interest;

609 ~~[(xii)]~~ (m) the date the form was completed;

610 ~~[(xiii)]~~ (n) a statement that the [filer] regulated officeholder believes that the form is
611 true and accurate to the best of the [filer's] regulated officeholder's knowledge; and

612 ~~[(xiv)]~~ (o) the signature of the [filer] regulated officeholder.

613 ~~[(c) (i) The financial disclosure shall be filed with:]~~

614 (5) (a) The regulated officeholder shall file the financial disclosure form with:

615 ~~[(A)]~~ (i) the secretary of the Senate, ~~[for a legislator that is a senator]~~ if the regulated
616 officeholder is a member of the Senate;

617 ~~[(B)]~~ (ii) the chief clerk of the House of Representatives, ~~[for a legislator that is a~~
618 ~~representative]~~ if the regulated officeholder is a member of the House of Representatives; or

619 ~~[(C)]~~ (iii) the lieutenant governor, ~~[for all other regulated officeholders]~~ if the regulated
620 officeholder is a regulated officeholder other than a regulated officeholder described in
621 Subsection (5)(a)(i) or (ii).

622 (b) In making the disclosure described in Subsection (4)(e), a regulated officeholder
623 who provides goods or services to multiple customers or clients as part of a business or a
624 licensed profession is only required to provide the information described in Subsection (4)(e) in
625 relation to the entity or practice through which the regulated officeholder provides the goods or
626 services and is not required to provide the information described in Subsection (4)(e) in
627 relation to the regulated officeholder's individual customers or clients.

628 ~~[(H)]~~ (6) The lieutenant governor, the secretary of the Senate, and the chief clerk of the
629 House of Representatives shall ensure that blank financial disclosure forms are available on the
630 Internet and at their offices.

631 ~~[(d) Financial disclosure forms that are filed under the procedures and requirements of~~
632 ~~this section shall be made available to the public:]~~

633 (7) An individual described in Subsection (6) who receives a financial disclosure form
634 or an amendment to a financial disclosure form under this section shall make each version of
635 the form, and each amendment to the form, available to the public for the period of time
636 described in Subsection (8), in the following manner:

637 ~~[(i)]~~ (a) on the Internet; and

638 ~~[(ii)]~~ (b) at the office where the form or the amendment to the form was filed.

639 ~~[(e) This section's requirement to disclose a conflict of interest does]~~

640 (8) The period of time that an individual described in Subsection (7) shall make each
641 version of a financial disclosure form and each amendment to a financial disclosure form
642 available to the public is:

643 (a) two years after the day on which the individual described in Subsection (7) receives
644 the form, for a regulated officeholder in an office that has a normal term of two years or less; or

645 (b) four years after the day on which the individual described in Subsection (7) receives
646 the form, for a regulated officeholder in an office that has a normal term of more than two
647 years.

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

650 (10) A regulated officeholder may amend a financial disclosure form described in this
651 part at any time.

652 ~~[(5)]~~ (11) A regulated officeholder who violates the requirements of Subsection [(2)]
653 (1) is guilty of a class B misdemeanor.

654 (12) (a) A regulated officeholder who intentionally or knowingly violates a provision
655 of this section, other than Subsection (1), is guilty of a class B misdemeanor.

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

659 Section 8. Section **20A-11-1605** is enacted to read:

660 **20A-11-1605. Failure to file -- Penalties.**

661 (1) Within 30 days after the day on which a regulated officeholder is required to file a
662 financial disclosure form under Subsection [20A-11-1604](#)(3)(a)(i), (b)(i), or (c)(i), the lieutenant
663 governor shall review each filed financial disclosure form to ensure that:

664 (a) each regulated officeholder who is required to file a financial disclosure form has
665 filed one; and

666 (b) each financial disclosure form contains the information required under Section
667 [20A-11-1604](#).

668 (2) The lieutenant governor shall take the action described in Subsection (3) if:

669 (a) a regulated officeholder has failed to timely file a financial disclosure form;

670 (b) a filed financial disclosure form does not comply with the requirements of Section
671 [20A-11-1604](#); or

672 (c) the lieutenant governor receives a written complaint alleging a violation of Section

673 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and
674 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
675 determines that a violation occurred.

676 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
677 within five days after the day on which the lieutenant governor determines that a violation
678 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder
679 to file an amended report correcting the problem.

680 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a financial
681 disclosure form within seven days after the day on which the regulated officeholder receives
682 the notice described in Subsection (3).

683 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
684 misdemeanor.

685 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
686 attorney general.

687 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
688 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
689 Subsection (4)(a).

690 (5) The lieutenant governor shall deposit a fine collected under this part into the
691 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
692 part.

693 Section 9. Section **20A-12-301.5** is enacted to read:

694 **20A-12-301.5. Disclosure of actual source or recipient required.**

695 (1) As used in this section, "transactional intermediary" means a person, including a
696 credit card company, a financial institution, or a money transfer service, that pays or transfers
697 money to a person on behalf of another person.

698 (2) When, under this chapter, a person makes a detailed listing, discloses or reports the
699 source of a contribution, discloses or reports the person or entity to whom a disbursement is
700 made, or discloses or reports the identity of a donor, the person:

701 (a) shall reveal the actual source of the contribution, the actual person or entity to
702 whom the disbursement is ultimately made, or the actual identity of the donor; and

703 (b) may not merely list, disclose, or report the transactional intermediary.

704 Section 10. **Effective date.**

705 If approved by two-thirds of all the members elected to each house, this bill takes effect
706 upon approval by the governor, or the day following the constitutional time limit of Utah
707 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
708 the date of veto override.