

- 28 ▶ modifies licensing requirements to conform with the provisions of this bill;
- 29 ▶ requires any person who makes an expenditure to comply with financial reporting
- 30 requirements;
- 31 ▶ reduces from \$10 to \$6 the aggregate daily expenditures that a lobbyist, principal, or
- 32 government officer is permitted to make;
- 33 ▶ prohibits a lobbyist, principal, government officer, or other person from speaking to
- 34 a legislative group regarding legislative action in exchange for the provision of food
- 35 to the group; and
- 36 ▶ makes technical changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 **AMENDS:**

43 **20A-11-101**, as last amended by Laws of Utah 2013, Chapters 86, 170, 318, and 420

44 **20A-11-103**, as last amended by Laws of Utah 2012, Chapter 369

45 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230

46 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230

47 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230

48 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396

49 **36-11-101**, as enacted by Laws of Utah 1991, Chapter 280

50 **36-11-102**, as last amended by Laws of Utah 2011, Chapter 212

51 **36-11-103**, as last amended by Laws of Utah 2010, Chapter 325

52 **36-11-201**, as last amended by Laws of Utah 2010, Chapter 325

53 **36-11-304**, as repealed and reenacted by Laws of Utah 2010, Chapter 325

54 **36-11-401**, as last amended by Laws of Utah 2011, Chapter 389

55 **ENACTS:**

56 **20A-11-604**, Utah Code Annotated 1953

57 **20A-11-705**, Utah Code Annotated 1953

58 **20A-11-1104**, Utah Code Annotated 1953

- 59 [20A-11-1504](#), Utah Code Annotated 1953
- 60 [20A-11-1604](#), Utah Code Annotated 1953
- 61 [20A-11-1701](#), Utah Code Annotated 1953
- 62 [36-11-308](#), Utah Code Annotated 1953



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

65 Section 1. Section [20A-11-101](#) is amended to read:

66 **[20A-11-101. Definitions.](#)**

67 As used in this chapter:

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

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

73 (3) "Candidate" means any person who:

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

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

78 (4) "Chief election officer" means:

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

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

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

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

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

90 (iii) any transfer of funds from another reporting entity to the filing entity;
91 (iv) compensation paid by any person or reporting entity other than the filing entity for
92 personal services provided without charge to the filing entity;

93 (v) remuneration from:
94 (A) any organization or its directly affiliated organization that has a registered lobbyist;
95 or

96 (B) any agency or subdivision of the state, including school districts; and
97 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
98 market value.

99 (b) "Contribution" does not include:
100 (i) services provided without compensation by individuals volunteering a portion or all
101 of their time on behalf of the filing entity;

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

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

107 (6) "Contribution period" means a two-year period that:

108 (a) begins on January 1 of each odd-numbered year; and

109 (b) ends on December 31 of the even-numbered year immediately subsequent to the
110 odd-numbered year described in Subsection (6)(a).

111 [~~(6)~~] (7) "Coordinated with" means that goods or services provided for the benefit of a
112 candidate or political party are provided:

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

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

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

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

119 [~~(7)~~] (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
120 organization that is registered as a corporation or is authorized to do business in a state and

121 makes any expenditure from corporate funds for:

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

123 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
124 proposition.

125 (b) "Corporation" does not mean:

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

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

128 ~~[(8)]~~ (9) "County political party" means, for each registered political party, all of the
129 persons within a single county who, under definitions established by the political party, are
130 members of the registered political party.

131 ~~[(9)]~~ (10) "County political party officer" means a person whose name is required to be
132 submitted by a county political party to the lieutenant governor in accordance with Section
133 20A-8-402.

134 ~~[(10)]~~ (11) "Detailed listing" means:

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

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

138 (ii) the amount or value of the contribution or public service assistance; and

139 (iii) the date the contribution or public service assistance was made; and

140 (b) for each expenditure:

141 (i) the amount of the expenditure;

142 (ii) the person or entity to whom it was disbursed;

143 (iii) the specific purpose, item, or service acquired by the expenditure; and

144 (iv) the date the expenditure was made.

145 ~~[(11)]~~ (12) (a) "Donor" means a person that gives money, including a fee, due, or
146 assessment for membership in the corporation, to a corporation without receiving full and
147 adequate consideration for the money.

148 (b) "Donor" does not include a person that signs a statement that the corporation may
149 not use the money for an expenditure or political issues expenditure.

150 ~~[(12)]~~ (13) "Election" means each:

151 (a) regular general election;

152 (b) regular primary election; and
153 (c) special election at which candidates are eliminated and selected.
154 [~~(13)~~] (14) "Electioneering communication" means a communication that:
155 (a) has at least a value of \$10,000;
156 (b) clearly identifies a candidate or judge; and
157 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
158 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
159 identified candidate's or judge's election date.
160 [~~(14)~~] (15) (a) "Expenditure" means:
161 (i) any disbursement from contributions, receipts, or from the separate bank account
162 required by this chapter;
163 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
164 or anything of value made for political purposes;
165 (iii) an express, legally enforceable contract, promise, or agreement to make any
166 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
167 value for political purposes;
168 (iv) compensation paid by a filing entity for personal services rendered by a person
169 without charge to a reporting entity;
170 (v) a transfer of funds between the filing entity and a candidate's personal campaign
171 committee; or
172 (vi) goods or services provided by the filing entity to or for the benefit of another
173 reporting entity for political purposes at less than fair market value.
174 (b) "Expenditure" does not include:
175 (i) services provided without compensation by individuals volunteering a portion or all
176 of their time on behalf of a reporting entity;
177 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
178 business; or
179 (iii) anything listed in Subsection [~~(14)~~] (15)(a) that is given by a reporting entity to
180 candidates for office or officeholders in states other than Utah.
181 [~~(15)~~] (16) "Federal office" means the office of President of the United States, United
182 States Senator, or United States Representative.

183 ~~[(16)]~~ (17) "Filing entity" means the reporting entity that is required to file a financial
184 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

185 ~~[(17)]~~ (18) "Financial statement" includes any summary report, interim report, verified
186 financial statement, or other statement disclosing contributions, expenditures, receipts,
187 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
188 Retention Elections.

189 ~~[(18)]~~ (19) "Governing board" means the individual or group of individuals that
190 determine the candidates and committees that will receive expenditures from a political action
191 committee, political party, or corporation.

192 ~~[(19)]~~ (20) "Incorporation" means the process established by Title 10, Chapter 2, Part
193 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

194 ~~[(20)]~~ (21) "Incorporation election" means the election authorized by Section 10-2-111.

195 ~~[(21)]~~ (22) "Incorporation petition" means a petition authorized by Section 10-2-109.

196 ~~[(22)]~~ (23) "Individual" means a natural person.

197 ~~[(23)]~~ (24) "Interim report" means a report identifying the contributions received and
198 expenditures made since the last report.

199 ~~[(24)]~~ (25) "Legislative office" means the office of state senator, state representative,
200 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
201 assistant whip of any party caucus in either house of the Legislature.

202 ~~[(25)]~~ (26) "Legislative office candidate" means a person who:

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

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

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

210 ~~[(26)]~~ (27) "Major political party" means either of the two registered political parties
211 that have the greatest number of members elected to the two houses of the Legislature.

212 ~~[(27)]~~ (28) "Officeholder" means a person who holds a public office.

213 ~~[(28)]~~ (29) "Party committee" means any committee organized by or authorized by the

214 governing board of a registered political party.

215 ~~[(29)]~~ (30) "Person" means both natural and legal persons, including individuals,
216 business organizations, personal campaign committees, party committees, political action
217 committees, political issues committees, and labor organizations, as defined in Section
218 20A-11-1501.

219 ~~[(30)]~~ (31) "Personal campaign committee" means the committee appointed by a
220 candidate to act for the candidate as provided in this chapter.

221 ~~[(31)]~~ (32) "Personal use expenditure" has the same meaning as provided under Section
222 20A-11-104.

223 ~~[(32)]~~ (33) (a) "Political action committee" means an entity, or any group of
224 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

233 (i) a party committee;

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

236 (iii) an individual;

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

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

241 (vi) a personal campaign committee.

242 ~~[(33)]~~ (34) "Political convention" means a county or state political convention held by
243 a registered political party to select candidates.

244 ~~[(34)]~~ (35) (a) "Political issues committee" means an entity, or any group of individuals

245 or 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 ~~[(35)]~~ (36) (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 [~~36~~] (37) (a) "Political issues expenditure" means any of the following:

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

282 (A) a ballot proposition; or

283 (B) an incorporation petition or incorporation election;

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

286 (A) a ballot proposition; or

287 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

299 [~~37~~] (38) "Political purposes" means an act done with the intent or in a way to
300 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
301 for or against any candidate or a person seeking a municipal or county office at any caucus,
302 political convention, or election.

303 [~~38~~] (39) (a) "Poll" means the survey of a person regarding the person's opinion or
304 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
305 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
306 person or by telephone, facsimile, Internet, postal mail, or email.

307 (b) "Poll" does not include:

308 (i) a ballot; or

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

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

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

312 [~~(39)~~] (40) "Primary election" means any regular primary election held under the
313 election laws.

314 [~~(40)~~] (41) "Public office" means the office of governor, lieutenant governor, state
315 auditor, state treasurer, attorney general, state or local school board member, state senator, state
316 representative, speaker of the House of Representatives, president of the Senate, and the leader,
317 whip, and assistant whip of any party caucus in either house of the Legislature.

318 [~~(41)~~] (42) (a) "Public service assistance" means the following when given or provided
319 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
320 communicate with the officeholder's constituents:

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

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

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

326 (i) anything provided by the state;

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

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

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

332 (v) any article, story, or other coverage as part of any regular publication of any
333 organization unless substantially all the publication is devoted to information about the
334 officeholder.

335 [~~(42)~~] (43) "Publicly identified class of individuals" means a group of 50 or more
336 individuals sharing a common occupation, interest, or association that contribute to a political
337 action committee or political issues committee and whose names can be obtained by contacting

338 the political action committee or political issues committee upon whose financial statement the
339 individuals are listed.

340 [~~(43)~~] (44) "Receipts" means contributions and public service assistance.

341 [~~(44)~~] (45) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
342 Lobbyist and Donor Disclosure and Regulation Act.

343 [~~(45)~~] (46) "Registered political action committee" means any political action
344 committee that is required by this chapter to file a statement of organization with the Office of
345 the Lieutenant Governor.

346 [~~(46)~~] (47) "Registered political issues committee" means any political issues
347 committee that is required by this chapter to file a statement of organization with the Office of
348 the Lieutenant Governor.

349 [~~(47)~~] (48) "Registered political party" means an organization of voters that:

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

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

355 [~~(48)~~] (49) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

364 [~~(49)~~] (50) "Reporting entity" means a candidate, a candidate's personal campaign
365 committee, a judge, a judge's personal campaign committee, an officeholder, a party
366 committee, a political action committee, a political issues committee, a corporation, or a labor
367 organization, as defined in Section 20A-11-1501.

368 [~~(50)~~] (51) "School board office" means the office of state school board or local school

369 board.

370 [~~(51)~~] (52) (a) "Source" means the person or entity that is the legal owner of the
371 tangible or intangible asset that comprises the contribution.

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

375 [~~(52)~~] (53) "State office" means the offices of governor, lieutenant governor, attorney
376 general, state auditor, and state treasurer.

377 [~~(53)~~] (54) "State office candidate" means a person who:

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

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

382 [~~(54)~~] (55) "Summary report" means the year end report containing the summary of a
383 reporting entity's contributions and expenditures.

384 [~~(55)~~] (56) "Supervisory board" means the individual or group of individuals that
385 allocate expenditures from a political issues committee.

386 Section 2. Section **20A-11-103** is amended to read:

387 **20A-11-103. Notice of pending interim and summary reports -- Form of**
388 **submission -- Public availability -- Notice of campaign contribution limits.**

389 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
390 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
391 the chief election officer shall inform the filing entity by postal mail or, if requested by the
392 filing entity, by electronic mail:

393 (i) that the financial statement is due;

394 (ii) of the date that the financial statement is due; and

395 (iii) of the penalty for failing to file the financial statement.

396 (b) The chief election officer is not required to provide notice:

397 (i) to a candidate or political party of the financial statement that is due before the
398 candidate's or political party's political convention;

399 (ii) of a financial statement due in connection with a public hearing for an initiative

400 under the requirements of Section [20A-7-204.1](#); or

401 (iii) to a corporation or labor organization, as defined in Section [20A-11-1501](#).

402 (2) A filing entity shall electronically file a financial statement via electronic mail or
403 the Internet according to specifications established by the chief election officer.

404 (3) (a) A financial statement is considered timely filed if it is received by the chief
405 election officer's office before the close of regular office hours on the date that it is due.

406 (b) A chief election officer may extend the time in which a filing entity is required to
407 file a financial statement if a filing entity notifies the chief election officer of the existence of
408 an extenuating circumstance that is outside the control of the filing entity.

409 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
410 Access and Management Act, the lieutenant governor shall:

411 (a) make each campaign finance statement filed by a candidate available for public
412 inspection and copying no later than one business day after the statement is filed; and

413 (b) post an electronic copy or the contents of each financial statement in a searchable
414 format on a website established by the lieutenant governor:

415 (i) for campaign finance statements submitted to the lieutenant governor under the
416 requirements of Section [10-3-208](#) or Section [17-16-6.5](#), no later than seven business days after
417 the date of receipt of the campaign finance statement; or

418 (ii) for a summary report or interim report filed under the requirements of this chapter
419 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
420 date the summary report or interim report is electronically filed.

421 (5) If a municipality, under Section [10-3-208](#), or a county, under Section [17-16-6.5](#),
422 elects to provide campaign finance disclosure on its own website, rather than through the
423 lieutenant governor, the website established by the lieutenant governor shall contain a link or
424 other access point to the municipality or county website.

425 (6) On or before January 1, 2015, the chief election officer shall:

426 (a) provide notice, by postal mail or email, to each filing entity for which the chief
427 election officer has a physical address or email address, of the campaign contribution limits
428 described in Sections [20A-11-604](#), [20A-11-705](#), [20A-11-1104](#), [20A-11-1504](#), and
429 [20A-11-1701](#); and

430 (b) post notice, in a conspicuous public place at the chief election officer's office, of the

431 limits described in Sections [20A-11-604](#), [20A-11-705](#), [20A-11-1104](#), [20A-11-1504](#), and
432 [20A-11-1701](#).

433 Section 3. Section **20A-11-201** is amended to read:

434 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
435 **-- No personal use -- Report contributions within three days -- Report other accounts.**

436 (1) (a) Each state office candidate or the candidate's personal campaign committee
437 shall deposit each contribution and public service assistance received in one or more separate
438 campaign accounts in a financial institution.

439 (b) A state office candidate or a candidate's personal campaign committee may not use
440 money deposited in a campaign account for:

441 (i) a personal use expenditure; or

442 (ii) an expenditure prohibited by law.

443 (2) A state office candidate or the candidate's personal campaign committee may not
444 deposit or mingle any contributions received into a personal or business account.

445 (3) If a person who is no longer a state office candidate chooses not to expend the
446 money remaining in a campaign account, the person shall continue to file the year-end
447 summary report required by Section [20A-11-203](#) until the statement of dissolution and final
448 summary report required by Section [20A-11-205](#) are filed with the lieutenant governor.

449 (4) (a) Except as provided in Subsection (4)(b) and Section [20A-11-402](#), a person who
450 is no longer a state office candidate may not expend or transfer the money in a campaign
451 account in a manner that would cause the former state office candidate to recognize the money
452 as taxable income under federal tax law.

453 (b) A person who is no longer a state office candidate may transfer the money in a
454 campaign account in a manner that would cause the former state office candidate to recognize
455 the money as taxable income under federal tax law if the transfer is made to a campaign
456 account for federal office.

457 (5) (a) As used in this Subsection (5) and Section [20A-11-204](#), "received" means:

458 (i) for a cash contribution, that the cash is given to a state office candidate or a member
459 of the candidate's personal campaign committee;

460 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
461 instrument or check is negotiated; and

462 (iii) for any other type of contribution, that any portion of the contribution's benefit
463 inures to the state office candidate.

464 (b) Each state office candidate shall report each contribution and public service
465 assistance to the lieutenant governor within ~~[30]~~ three days after the day on which the
466 contribution or public service assistance is received.

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

469 (i) that is not described in Subsection (1)(a); and

470 (ii) into which or from which a person who, as a candidate for an office, other than the
471 state office for which the person files a declaration of candidacy or federal office, or as a holder
472 of an office, other than a state office for which the person files a declaration of candidacy or
473 federal office, deposits a contribution or makes an expenditure.

474 (b) A state office candidate shall include on any financial statement filed in accordance
475 with this part:

476 (i) a contribution deposited in an account:

477 (A) since the last campaign finance statement was filed; or

478 (B) that has not been reported under a statute or ordinance that governs the account; or

479 (ii) an expenditure made from an account:

480 (A) since the last campaign finance statement was filed; or

481 (B) that has not been reported under a statute or ordinance that governs the account.

482 Section 4. Section **20A-11-301** is amended to read:

483 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
484 **Candidate as a political action committee officer -- No personal use -- Report**
485 **contributions within three days -- Report other accounts.**

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

489 (ii) A legislative office candidate may:

490 (A) receive a contribution or public service assistance from a political action
491 committee registered under Section [20A-11-601](#); and

492 (B) be designated by a political action committee as an officer who has primary

493 decision-making authority as described in Section 20A-11-601.

494 (b) A legislative office candidate or the candidate's personal campaign committee may
495 not use money deposited in an account described in Subsection (1)(a)(i) for:

496 (i) a personal use expenditure; or

497 (ii) an expenditure prohibited by law.

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

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

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

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

512 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

513 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
514 member of the candidate's personal campaign committee;

515 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
516 instrument or check is negotiated; and

517 (iii) for any other type of contribution, that any portion of the contribution's benefit
518 inures to the legislative office candidate.

519 (b) Each legislative office candidate shall report each contribution and public service
520 assistance to the lieutenant governor within [~~30~~] three days after the day on which the
521 contribution or public service assistance is received.

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

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

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

- 531 (i) a contribution deposited in an account:
 - 532 (A) since the last campaign finance statement was filed; or
 - 533 (B) that has not been reported under a statute or ordinance that governs the account; or
- 534 (ii) an expenditure made from an account:
 - 535 (A) since the last campaign finance statement was filed; or
 - 536 (B) that has not been reported under a statute or ordinance that governs the account.

537 Section 5. Section **20A-11-604** is enacted to read:

538 **20A-11-604. Limits on contributions by political action committees.**

539 A political action committee may not make contributions totaling more than the
540 following amounts per contribution period:

- 541 (1) \$5,000 to one registered political party;
- 542 (2) \$5,000 to one political action committee;
- 543 (3) \$5,000 to one corporation;
- 544 (4) \$5,000 to one labor organization;
- 545 (5) \$5,000 to one state office candidate;
- 546 (6) \$2,500 to one legislative office candidate;
- 547 (7) \$2,500 to one school board office candidate; or
- 548 (8) \$2,500 to one judge.

549 Section 6. Section **20A-11-705** is enacted to read:

550 **20A-11-705. Limits on contributions by corporations.**

551 A corporation may not make contributions totaling more than the following amounts
552 per contribution period:

- 553 (1) \$5,000 to one registered political party;
- 554 (2) \$5,000 to one political action committee;

- 555 (3) \$5,000 to one corporation;
556 (4) \$5,000 to one labor organization;
557 (5) \$5,000 to one state office candidate;
558 (6) \$2,500 to one legislative office candidate;
559 (7) \$2,500 to one school board office candidate; or
560 (8) \$2,500 to one judge.

561 Section 7. Section **20A-11-1104** is enacted to read:

562 **20A-11-1104. Campaign contribution at capitol hill complex prohibited.**

563 (1) As used in this section only:

564 (a) (i) "Campaign contribution" means any of the following given to a campaigner for a
565 political purpose:

566 (A) cash or a negotiable instrument, including a gift, subscription, donation, loan,
567 advance, or deposit; or

568 (B) goods or services provided at less than fair market value.

569 (ii) "Campaign contribution" does not include:

570 (A) food or beverage;

571 (B) goods or services, other than money or a negotiable instrument, worth \$6 or less;

572 (C) services provided without compensation by individuals volunteering a portion or
573 all of their time on behalf of a campaigner; or

574 (D) money lent to a campaigner by a financial institution in the ordinary course of
575 business.

576 (b) "Campaigner" means:

577 (i) a state office candidate;

578 (ii) a legislative office candidate;

579 (iii) a state school board office candidate;

580 (iv) an individual that holds a state office, a legislative office, or a state school board
581 office;

582 (v) a Supreme Court justice or a judge of a court of record;

583 (vi) a personal campaign committee of a person described in Subsections (1)(b)(i)
584 through (v);

585 (vii) a political action committee for which a person described in Subsections (1)(b)(i)

586 through (v) has primary decision-making authority; or
587 (viii) a person acting as an agent of a person described in Subsections (1)(b)(i) through
588 (vii).

589 (c) "Capitol hill complex" is as defined in Section [63C-9-102](#).

590 (2) It is unlawful for a campaigner to knowingly request or accept a campaign
591 contribution at the capitol hill complex.

592 (3) It is unlawful for a person to give, offer to give, or promise to give a campaign
593 contribution if the person making the gift, offer, or promise:

594 (a) is at the capitol hill complex; or

595 (b) knows, at the time that the person makes the gift, offer, or promise, that the person
596 to whom the gift, offer, or promise is made is at the capitol hill complex.

597 (4) It is unlawful for a person to knowingly send or deliver, by mail or otherwise, a
598 campaign contribution to the capitol hill complex.

599 (5) A person who violates this section is guilty of a class B misdemeanor.

600 Section 8. Section **20A-11-1301** is amended to read:

601 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
602 **Candidate as a political action committee officer -- No personal use -- Report**
603 **contributions within three days -- Report other accounts.**

604 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
605 service assistance received in one or more separate accounts in a financial institution that are
606 dedicated only to that purpose.

607 (ii) A school board office candidate may:

608 (A) receive a contribution or public service assistance from a political action
609 committee registered under Section [20A-11-601](#); and

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

612 (b) A school board office candidate may not use money deposited in an account
613 described in Subsection (1)(a)(i) for:

614 (i) a personal use expenditure; or

615 (ii) an expenditure prohibited by law.

616 (2) A school board office candidate may not deposit or mingle any contributions or

617 public service assistance received into a personal or business account.

618 (3) A school board office candidate may not make any political expenditures prohibited
619 by law.

620 (4) If a person who is no longer a school board candidate chooses not to expend the
621 money remaining in a campaign account, the person shall continue to file the year-end
622 summary report required by Section 20A-11-1302 until the statement of dissolution and final
623 summary report required by Section 20A-11-1304 are filed with:

624 (a) the lieutenant governor in the case of a state school board candidate; and

625 (b) the county clerk, in the case of a local school board candidate.

626 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
627 is no longer a school board candidate may not expend or transfer the money in a campaign
628 account in a manner that would cause the former school board candidate to recognize the
629 money as taxable income under federal tax law.

630 (b) A person who is no longer a school board candidate may transfer the money in a
631 campaign account in a manner that would cause the former school board candidate to recognize
632 the money as taxable income under federal tax law if the transfer is made to a campaign
633 account for federal office.

634 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

635 (i) for a cash contribution, that the cash is given to a school board office candidate or a
636 member of the candidate's personal campaign committee;

637 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
638 instrument or check is negotiated; and

639 (iii) for any other type of contribution, that any portion of the contribution's benefit
640 inures to the school board office candidate.

641 (b) Each school board office candidate shall report to the chief election officer each
642 contribution and public service assistance within [~~30~~] three days after the day on which the
643 contribution or public service assistance is received.

644 (7) (a) As used in this Subsection (7), "account" means an account in a financial
645 institution:

646 (i) that is not described in Subsection (1)(a)(i); and

647 (ii) into which or from which a person who, as a candidate for an office, other than a

648 school board office for which the person files a declaration of candidacy or federal office, or as
649 a holder of an office, other than a school board office for which the person files a declaration of
650 candidacy or federal office, deposits a contribution or makes an expenditure.

651 (b) A school board office candidate shall include on any financial statement filed in
652 accordance with this part:

653 (i) a contribution deposited in an account:

654 (A) since the last campaign finance statement was filed; or

655 (B) that has not been reported under a statute or ordinance that governs the account; or

656 (ii) an expenditure made from an account:

657 (A) since the last campaign finance statement was filed; or

658 (B) that has not been reported under a statute or ordinance that governs the account.

659 Section 9. Section **20A-11-1504** is enacted to read:

660 **20A-11-1504. Limits on contributions by labor organizations.**

661 A labor organization may not make contributions totaling more than the following
662 amounts per contribution period:

663 (1) \$5,000 to one registered political party;

664 (2) \$5,000 to one political action committee;

665 (3) \$5,000 to one corporation;

666 (4) \$5,000 to one labor organization;

667 (5) \$5,000 to one state office candidate;

668 (6) \$2,500 to one legislative office candidate;

669 (7) \$2,500 to one school board office candidate; or

670 (8) \$2,500 to one judge.

671 Section 10. Section **20A-11-1604** is enacted to read:

672 **20A-11-1604. Link to financial reports on Legislature's website.**

673 The Legislature's website shall include, for each legislative officeholder, a link to the
674 financial reports maintained on the lieutenant governor's website in relation to that legislative
675 officeholder.

676 Section 11. Section **20A-11-1701** is enacted to read:

677 **20A-11-1701. Limits on contributions by individuals.**

678 (1) Except as provided in Subsection (2), an individual may not make contributions

679 totaling more than the following amounts per contribution period:

- 680 (a) \$5,000 to one registered political party;
 681 (b) \$5,000 to one political action committee;
 682 (c) \$5,000 to one corporation;
 683 (d) \$5,000 to one labor organization;
 684 (e) \$5,000 to one state office candidate;
 685 (f) \$2,500 to one legislative office candidate;
 686 (g) \$2,500 to one school board office candidate; or
 687 (h) \$2,500 to one judge.

688 (2) The limits described in Subsection (1) do not apply to a contribution made by an
 689 individual to the individual's own campaign.

690 Section 12. Section **20A-12-303** is amended to read:

691 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

692 (1) The judge or the judge's personal campaign committee shall deposit each
 693 contribution in one or more separate personal campaign accounts in a financial institution.

694 (2) The judge or the judge's personal campaign committee may not deposit or mingle
 695 any contributions received into a personal or business account.

696 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

697 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
 698 campaign committee;

699 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 700 instrument or check is negotiated; and

701 (iii) for any other type of contribution, that any portion of the contribution's benefit
 702 inures to the judge.

703 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
 704 governor each contribution within [~~30~~] three days after the day on which the contribution is
 705 received.

706 Section 13. Section **36-11-101** is amended to read:

707 **CHAPTER 11. LOBBYIST AND DONOR DISCLOSURE AND REGULATION ACT**

708 **36-11-101. Title.**

709 This chapter is known as the "Lobbyist and Donor Disclosure and Regulation Act."

710 Section 14. Section **36-11-102** is amended to read:

711 **36-11-102. Definitions.**

712 As used in this chapter:

713 (1) "Aggregate daily expenditures" means:

714 (a) for a single lobbyist, principal, [~~or~~] government officer, or donor the total of all
715 expenditures made within a calendar day by the lobbyist, principal, [~~or~~] government officer, or
716 donor for the benefit of an individual public official;

717 (b) for an expenditure made by a member of a lobbyist group, the total of all
718 expenditures made within a calendar day by every member of the lobbyist group for the benefit
719 of an individual public official; or

720 (c) for a multicient lobbyist, the total of all expenditures made by the multicient
721 lobbyist within a calendar day for the benefit of an individual public official, regardless of
722 whether the expenditures were attributed to different clients.

723 [~~(2) "Approved meeting or activity" means a meeting or activity:~~]

724 [~~(a) (i) to which a legislator is invited; and]~~

725 [~~(ii) attendance at which is approved by:]~~

726 [~~(A) the speaker of the House of Representatives, if the public official is a member of~~
727 ~~the House of Representatives; or]~~

728 [~~(B) the president of the Senate, if the public official is a member of the Senate; or]~~

729 [~~(b) (i) to which a public official who holds a position in the executive branch of state~~
730 ~~government is invited; and]~~

731 [~~(ii) attendance at which is approved by the governor or the lieutenant governor:]~~

732 [~~(3)~~] (2) (a) "Compensation" means anything of economic value, however designated,
733 that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of
734 services or ownership before any withholding required by federal or state law.

735 (b) "Compensation" includes:

736 (i) a salary or commission;

737 (ii) a bonus;

738 (iii) a benefit;

739 (iv) a contribution to a retirement program or account;

740 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue

- 741 Code, and subject to Social Security deductions, including a payment in excess of the
742 maximum amount subject to deduction under Social Security law;
- 743 (vi) an amount that the individual authorizes to be deducted or reduced for salary
744 deferral or other benefits authorized by federal law; or
- 745 (vii) income based on an individual's ownership interest.
- 746 ~~[(4)]~~ (3) "Compensation payor" means a person who pays compensation to a public
747 official in the ordinary course of business:
- 748 (a) because of the public official's ownership interest in the compensation payor; or
749 (b) for services rendered by the public official on behalf of the compensation payor.
- 750 (4) "Donor" means a person who makes an expenditure.
- 751 (5) "Executive action" means:
- 752 (a) a nomination or appointment by the governor;
753 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
754 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
755 (c) agency ratemaking proceedings; or
756 (d) an adjudicative proceeding of a state agency.
- 757 (6) (a) "Expenditure" means any of the items listed in this Subsection (6)(a) when
758 given to or for the benefit of a public official unless consideration of equal or greater value is
759 received:
- 760 (i) a purchase, payment, or distribution;
761 (ii) a loan, gift, or advance;
762 (iii) a deposit, subscription, or forbearance;
763 (iv) services or goods;
764 (v) money;
765 (vi) real property;
766 (vii) a ticket or admission to a sporting, recreational, or artistic event; or
767 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
768 any item listed in Subsections (6)(a)(i) through (vii).
- 769 (b) "Expenditure" does not mean:
- 770 (i) a commercially reasonable loan made in the ordinary course of business;
771 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,

772 Campaign and Financial Reporting Requirements;

773 (iii) printed informational material that is related to the performance of the recipient's

774 official duties;

775 (iv) a devise or inheritance;

776 (v) any item listed in Subsection (6)(a) if:

777 (A) given by a relative;

778 (B) given by a compensation payor for a purpose solely unrelated to the public

779 official's position as a public official; or

780 (C) ~~[(H)]~~ the item has a value of less than ~~[\$10;]~~ \$6 and ~~[(H)]~~ the aggregate daily

781 expenditures do not exceed ~~[\$10]~~ \$6;

782 (vi) food or beverage that is provided ~~[at an event to which the following are invited:~~

783 ~~(A) all members of the Legislature; (B) all members of a standing or interim committee; (C)~~

784 ~~all members of an official legislative task force; (D) all members of a party caucus; or (E) all~~

785 ~~members of a group described in Subsections (6)(b)(vi)(A) through (D)]~~ to all legislators who

786 are attending a meeting of a national or multistate organization whose primary purpose is

787 addressing general legislative policy;

788 (vii) food or beverage that is provided at an event to a public official who is:

789 (A) giving a speech at the event;

790 (B) participating in a panel discussion at the event; or

791 (C) presenting or receiving an award at the event;

792 (viii) a plaque, commendation, or award presented in public and having a cash value

793 not exceeding \$50;

794 (ix) admission to or attendance at an event, the primary purpose of which is:

795 (A) to solicit contributions reportable under~~[-(H)]~~ Title 20A, Chapter 11, Campaign and

796 Financial Reporting Requirements~~[-;]~~, or ~~[(H)]~~ 2 U.S.C. Sec. 434; or

797 (B) charitable solicitation, as defined in Section [13-22-2](#);

798 ~~[(x) travel to, lodging at, food or beverage served at, and admission to an approved~~

799 ~~meeting or activity;]~~

800 ~~[(xi) sponsorship of an official event or official entertainment of an approved meeting~~

801 ~~or activity;]~~

802 ~~[(xii)]~~ (x) notwithstanding Subsection (6)(a)(vii), admission to or attendance at an

803 event:

804 (A) that is sponsored by a governmental entity; or

805 (B) that is widely attended and related to a governmental duty of a public official; or

806 [~~(xiii)~~] (xi) travel to a widely attended event related to a governmental duty of a public

807 official if that travel results in a financial savings to the state.

808 (7) (a) "Government officer" means:

809 (i) an individual elected to a position in state or local government, when acting within
810 the government officer's official capacity; or

811 (ii) an individual appointed to or employed in a full-time position by state or local
812 government, when acting within the scope of the individual's employment.

813 (b) "Government officer" does not mean a member of the legislative branch of state
814 government.

815 (8) "Immediate family" means:

816 (a) a spouse;

817 (b) a child residing in the household; or

818 (c) an individual claimed as a dependent for tax purposes.

819 (9) "Legislative action" means:

820 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
821 proposed in either house of the Legislature or its committees or requested by a legislator; and

822 (b) the action of the governor in approving or vetoing legislation.

823 (10) "Lobbying" means communicating with a public official for the purpose of
824 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

825 (11) (a) "Lobbyist" means:

826 (i) an individual who is employed by a principal; or

827 (ii) an individual who contracts for economic consideration, other than reimbursement
828 for reasonable travel expenses, with a principal to lobby a public official.

829 (b) "Lobbyist" does not include:

830 (i) a government officer;

831 (ii) a member or employee of the legislative branch of state government;

832 (iii) a person while appearing at, or providing written comments to, a hearing

833 conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or

834 Title 63G, Chapter 4, Administrative Procedures Act;

835 (iv) a person participating on or appearing before an advisory or study task force,
836 commission, board, or committee, constituted by the Legislature or any agency or department
837 of state government, except legislative standing, appropriation, or interim committees;

838 (v) a representative of a political party;

839 (vi) an individual representing a bona fide church solely for the purpose of protecting
840 the right to practice the religious doctrines of the church, unless the individual or church makes
841 an expenditure that confers a benefit on a public official;

842 (vii) a newspaper, television station or network, radio station or network, periodical of
843 general circulation, or book publisher for the purpose of publishing news items, editorials,
844 other comments, or paid advertisements that directly or indirectly urge legislative or executive
845 action; or

846 (viii) an individual who appears on the individual's own behalf before a committee of
847 the Legislature or an agency of the executive branch of state government solely for the purpose
848 of testifying in support of or in opposition to legislative or executive action.

849 (12) "Lobbyist group" means two or more lobbyists, principals, government officers, or
850 any combination of lobbyists, principals, and officers who each contribute a portion of an
851 expenditure made to benefit a public official or member of the public official's immediate
852 family.

853 (13) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
854 who represents two or more clients and divides the aggregate daily expenditure made to benefit
855 a public official or member of the public official's immediate family between two or more of
856 those clients.

857 (14) "Principal" means a person that employs an individual to perform lobbying, either
858 as an employee or as an independent contractor.

859 (15) "Public official" means:

860 (a) (i) a member of the Legislature;

861 (ii) an individual elected to a position in the executive branch of state government; or

862 (iii) an individual appointed to or employed in a position in the executive or legislative
863 branch of state government if that individual:

864 (A) occupies a policymaking position or makes purchasing or contracting decisions;

- 865 (B) drafts legislation or makes rules;
- 866 (C) determines rates or fees; or
- 867 (D) makes adjudicative decisions; or
- 868 (b) an immediate family member of a person described in Subsection (15)(a).
- 869 (16) "Public official type" means a notation to identify whether a public official is:
- 870 (a) (i) a member of the Legislature;
- 871 (ii) an individual elected to a position in the executive branch of state government;
- 872 (iii) an individual appointed to or employed in a position in the legislative branch of
- 873 state government who meets the definition of public official under Subsection (15)(a)(iii); or
- 874 (iv) an individual appointed to or employed in a position in the executive branch of
- 875 state government who meets the definition of public official under Subsection (15)(a)(iii); or
- 876 (b) an immediate family member of a person described in Subsection (15)(b).
- 877 (17) "Quarterly reporting period" means the three-month period covered by each
- 878 financial report required under Subsection [36-11-201\(2\)\(a\)](#).
- 879 (18) "Related person" means a person, agent, or employee who knowingly and
- 880 intentionally assists a lobbyist, principal, or government officer in lobbying.
- 881 (19) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,
- 882 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse
- 883 of any of these individuals.
- 884 Section 15. Section **36-11-103** is amended to read:
- 885 **36-11-103. Licensing requirements.**
- 886 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
- 887 lieutenant governor by completing the form required by this section.
- 888 (b) The lieutenant governor shall issue licenses to qualified lobbyists.
- 889 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
- 890 includes:
- 891 (i) a place for the lobbyist's name and business address;
- 892 (ii) a place for the following information for each principal for whom the lobbyist
- 893 works or is hired as an independent contractor:
- 894 (A) the principal's name;
- 895 (B) the principal's business address;

- 896 (C) the name of each public official that the principal employs and the nature of the
897 employment with the public official; and
- 898 (D) the general purposes, interests, and nature of the principal;
- 899 (iii) a place for the name and address of the person who paid or will pay the lobbyist's
900 registration fee, if the fee is not paid by the lobbyist;
- 901 (iv) a place for the lobbyist to disclose:
- 902 (A) any elected or appointed position that the lobbyist holds in state or local
903 government, if any; and
- 904 (B) the name of each public official that the lobbyist employs and the nature of the
905 employment with the public official, if any;
- 906 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
907 will be reimbursed; and
- 908 (vi) a certification to be signed by the lobbyist that certifies that the information
909 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
910 belief.
- 911 (2) Each lobbyist who obtains a license under this section shall update the licensure
912 information when the lobbyist accepts employment for lobbying by a new client.
- 913 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
914 lobbying license to an applicant who:
- 915 (i) files an application with the lieutenant governor that contains the information
916 required by this section; and
- 917 (ii) pays a \$100 filing fee.
- 918 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
919 and expires on December 31 of each even-numbered year.
- 920 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:
- 921 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
922 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
- 923 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
924 within one year before the date of the lobbying license application;
- 925 (iii) for the term of any suspension imposed under Section 36-11-401;
- 926 (iv) if, within one year before the date of the lobbying license application, the applicant

927 has been found to have willingly and knowingly:

928 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
929 36-11-304, 36-11-305, 36-11-308, or 36-11-403; or

930 (B) filed a document required by this chapter that the lobbyist knew contained
931 materially false information or omitted material information; or

932 (v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24,
933 Lobbying Restrictions Act.

934 (b) An applicant may appeal the disapproval in accordance with the procedures
935 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,
936 Administrative Procedures Act.

937 (5) The lieutenant governor shall deposit license fees in the General Fund.

938 (6) A principal need not obtain a license under this section, but if the principal makes
939 expenditures to benefit a public official without using a lobbyist as an agent to confer those
940 benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

941 (7) Government officers need not obtain a license under this section, but shall disclose
942 any expenditures made to benefit public officials as required by Section 36-11-201.

943 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the
944 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the
945 reports by Section 36-11-201.

946 Section 16. Section 36-11-201 is amended to read:

947 **36-11-201. Lobbyist, principal, donor, and government officer financial reporting**
948 **requirements -- Prohibition for related person to make expenditures.**

949 (1) (a) (i) A lobbyist or donor shall file financial reports with the lieutenant governor
950 on or before the due dates specified in Subsection (2).

951 (ii) If a lobbyist has not made an expenditure during the quarterly reporting period, the
952 lobbyist shall file a financial report listing the amount of expenditures as "none."

953 (b) A government officer or principal that makes an expenditure during any of the
954 quarterly reporting periods under Subsection (2)(a) shall file a financial report with the
955 lieutenant governor on or before the date that a report for that quarter is due.

956 (2) (a) A financial report is due quarterly on the following dates:

957 (i) April 10, for the period of January 1 through March 31;

- 958 (ii) July 10, for the period of April 1 through June 30;
- 959 (iii) October 10, for the period of July 1 through September 30; and
- 960 (iv) January 10, for the period of October 1 through December 31 of the previous year.

961 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
962 the report is due on the next succeeding business day.

963 (c) A financial report is timely filed if it is filed electronically before the close of
964 regular office hours on or before the due date.

965 (3) A financial report shall contain:

966 (a) the total amount of expenditures made to benefit any public official during the
967 quarterly reporting period;

968 (b) the total amount of expenditures made, by the type of public official, during the
969 quarterly reporting period;

970 (c) for the financial report due on January 10:

971 (i) the total amount of expenditures made to benefit any public official during the last
972 calendar year; and

973 (ii) the total amount of expenditures made, by the type of public official, during the last
974 calendar year;

975 (d) a disclosure of each expenditure made during the quarterly reporting period to
976 reimburse or pay for travel or lodging for a public official, including:

977 (i) each travel destination and each lodging location;

978 (ii) the name of each public official who benefitted from the expenditure on travel or
979 lodging;

980 (iii) the public official type of each public official named;

981 (iv) for each public official named, a listing of the amount and purpose of each
982 expenditure made for travel or lodging; and

983 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);

984 (e) a disclosure of aggregate daily expenditures greater than [~~\$10~~] \$6 made during the
985 quarterly reporting period including:

986 (i) the date and purpose of the expenditure;

987 (ii) the location of the expenditure;

988 (iii) the name of any public official benefitted by the expenditure;

- 989 (iv) the type of the public official benefitted by the expenditure; and
- 990 (v) the total monetary worth of the benefit that the expenditure conferred on any public
991 official;
- 992 (f) for each public official who was employed by the lobbyist, principal, or government
993 officer, a list that provides:
- 994 (i) the name of the public official; and
- 995 (ii) the nature of the employment with the public official;
- 996 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,
997 principal, or government officer made an expenditure to a public official;
- 998 (h) a description of each executive action on behalf of which the lobbyist, principal, or
999 government officer made an expenditure to a public official;
- 1000 (i) the general purposes, interests, and nature of the entities that the lobbyist, principal,
1001 or government officer filing the report represents; and
- 1002 (j) for a lobbyist or donor, a certification that the information provided in the report is
1003 true, accurate, and complete to the lobbyist's best knowledge and belief.
- 1004 (4) A related person may not, while assisting a lobbyist, principal, or government
1005 officer in lobbying, make an expenditure that benefits a public official under circumstances that
1006 would otherwise fall within the disclosure requirements of this chapter if the expenditure was
1007 made by the lobbyist, principal, or government officer.
- 1008 (5) The lieutenant governor shall:
- 1009 (a) (i) develop a preprinted form for a financial report required by this section; and
- 1010 (ii) make copies of the form available to a lobbyist, principal, donor, or government
1011 officer who requests a form; and
- 1012 (b) provide a reporting system that allows a lobbyist, principal, donor, or government
1013 officer to submit a financial report required by this chapter via the Internet.
- 1014 (6) (a) A lobbyist and a principal shall continue to file a financial report required by
1015 this section until the lobbyist or principal files a statement with the lieutenant governor that:
- 1016 (i) states:
- 1017 (A) for a lobbyist, that the lobbyist has ceased lobbying activities; or
- 1018 (B) for a principal, that the principal no longer employs an individual as a lobbyist;
- 1019 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's

1020 license;

1021 (iii) contains a listing, as required by this section, of all previously unreported
1022 expenditures that have been made through the date of the statement; and

1023 (iv) states that the lobbyist or principal will not make any additional expenditure that is
1024 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
1025 licensing requirements of this chapter.

1026 (b) A person that fails to renew the lobbyist's license or otherwise ceases to be licensed
1027 is required to file a financial report quarterly until the person files the statement required by
1028 Subsection (6)(a).

1029 Section 17. Section **36-11-304** is amended to read:

1030 **36-11-304. Expenditures over \$6 prohibited -- Exceptions.**

1031 (1) Except as provided in Subsection (2), a lobbyist, principal, or government officer
1032 may not make or offer to make aggregate daily expenditures that exceed [~~\$10~~] \$6.

1033 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures
1034 that exceed [~~\$10~~] \$6:

1035 (a) for the following items, if the expenditure is reported in accordance with Section
1036 36-11-201:

1037 (i) food;

1038 (ii) beverage;

1039 (iii) travel; or

1040 (iv) lodging; or

1041 [~~(v) admission to or attendance at a meeting or activity that is not an approved meeting~~
1042 ~~or activity; or]~~

1043 (b) if the expenditure is made for a purpose solely unrelated to the public official's
1044 position as a public official.

1045 Section 18. Section **36-11-308** is enacted to read:

1046 **36-11-308. Providing food in exchange for access.**

1047 (1) As used in this section:

1048 (a) "Legislation" means a bill, a resolution, an amendment, or a substitute.

1049 (b) "Legislative action" means to take any action or refrain from taking action relating
1050 to a legislator's official position, including doing, or refraining from doing, any of the

- 1051 following:
- 1052 (i) voting on legislation;
- 1053 (ii) sponsoring legislation;
- 1054 (iii) supporting legislation;
- 1055 (iv) placing legislation on an agenda or calendar;
- 1056 (v) removing legislation from an agenda or calendar;
- 1057 (vi) bringing legislation to a vote;
- 1058 (vii) supporting, advocating, failing to support, opposing, speaking for, or speaking
- 1059 against a vote or legislation;
- 1060 (viii) making an appointment to, removing a person from, or resigning from a
- 1061 committee, subcommittee, task force, commission, other legislative or governmental group, or
- 1062 government employment or position; or
- 1063 (ix) taking other action relating to the responsibilities of a legislator.
- 1064 (c) "Legislative group" means:
- 1065 (i) the Legislature;
- 1066 (ii) the House;
- 1067 (iii) the House majority caucus;
- 1068 (iv) the House minority caucus;
- 1069 (v) the Senate;
- 1070 (vi) the Senate majority caucus;
- 1071 (vii) the Senate minority caucus;
- 1072 (viii) a standing committee;
- 1073 (ix) an interim committee;
- 1074 (x) a majority of the members on a standing committee or interim committee;
- 1075 (xi) all members of a standing committee or interim committee who are members of
- 1076 the majority party; or
- 1077 (xii) all members of a standing committee or interim committee who are members of a
- 1078 minority party.
- 1079 (2) A lobbyist, principal, government officer, or other person may not speak to a
- 1080 legislative group regarding legislative action immediately before, during, immediately after, or
- 1081 in exchange for, the provision of food by the lobbyist, principal, government officer, or other

1082 person to the legislative group.

1083 Section 19. Section **36-11-401** is amended to read:

1084 **36-11-401. Penalties.**

1085 (1) Any person who willfully and knowingly violates Section [36-11-103](#), [36-11-201](#),
1086 [36-11-301](#), [36-11-302](#), [36-11-303](#), [36-11-304](#), [36-11-305](#), [36-11-308](#), or [36-11-403](#), is subject
1087 to the following penalties:

1088 (a) an administrative penalty of up to \$1,000 for each violation; and

1089 (b) for each subsequent violation of that same section within 24 months, either:

1090 (i) an administrative penalty of up to \$5,000; or

1091 (ii) suspension of the violator's lobbying license for up to one year, if the person is a
1092 lobbyist.

1093 (2) Any person who willfully and knowingly fails to file a financial report required by
1094 this chapter, omits material information from a license application form or financial report, or
1095 files false information on a license application form or financial report, is subject to the
1096 following penalties:

1097 (a) an administrative penalty of up to \$1,000 for each violation; or

1098 (b) suspension of the violator's lobbying license for up to one year, if the person is a
1099 lobbyist.

1100 (3) Any person who willfully and knowingly fails to file a financial report required by
1101 this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under
1102 Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.

1103 (4) (a) When a lobbyist is convicted of violating Section [76-8-103](#), [76-8-107](#), [76-8-108](#),
1104 or [76-8-303](#), the lieutenant governor shall suspend the lobbyist's license for up to five years
1105 from the date of the conviction.

1106 (b) When a lobbyist is convicted of violating Section [76-8-104](#) or [76-8-304](#), the
1107 lieutenant governor shall suspend a lobbyist's license for up to one year from the date of
1108 conviction.

1109 (5) (a) Any person who willfully and knowingly violates Section [36-11-301](#),
1110 [36-11-302](#), or [36-11-303](#) is guilty of a class B misdemeanor.

1111 (b) The lieutenant governor shall suspend the lobbyist license of any person convicted
1112 under any of these sections for up to one year.

1113 (c) The suspension shall be in addition to any administrative penalties imposed by the
1114 lieutenant governor under this section.

1115 (d) Any person with evidence of a possible violation of this chapter may submit that
1116 evidence to the lieutenant governor for investigation and resolution.

1117 (6) A lobbyist who does not complete the training required by Section 36-11-307 is
1118 subject to the following penalties:

1119 (a) an administrative penalty of up to \$1,000 for each failure to complete the training
1120 required by Section 36-11-307; and

1121 (b) for two or more failures to complete the training required by Section 36-11-307
1122 within 24 months, suspension of the lobbyist's lobbying license.

1123 (7) Nothing in this chapter creates a third-party cause of action or appeal rights.

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Office of Legislative Research and General Counsel