

HB0335S01 compared with HB0335

{Omitted text} shows text that was in HB0335 but was omitted in HB0335S01

inserted text shows text that was not in HB0335 but was inserted into HB0335S01

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Political Advertising Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to political advertising.

Highlighted Provisions:

This bill:

- defines {a-term} terms;
- specifies that an electioneering communication or a political advertisement includes a communication or advertisement disseminated on a social media platform;
- authorizes an election officer to impose a monetary fine against a person who violates certain provisions related to political advertisements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

HB0335

HB0335 compared with HB0335S01

20A-11-101 , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah 2024, Chapter 438

21 20A-11-901 , as last amended by Laws of Utah 2022, Chapter 18 , as last amended by Laws of Utah 2022, Chapter 18

22

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

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

25 **20A-11-101. Definitions.**

As used in this chapter:

27 (1)

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

29 (b) "Address" does not include a post office box.

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

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

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

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

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

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

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

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

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

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

47 (5) "Chief election officer" means:

48

HB0335 compared with HB0335S01

- (a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and
- 52 (b) the county clerk for local school board candidates.
- 53 (6)
- . (a) "Contribution" means any of the following when done for political purposes:
- 54 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
- 56 (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
- 59 (iii) any transfer of funds from another reporting entity to the filing entity;
- 60 (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
- 62 (v) remuneration from:
- 63 (A) any organization or its directly affiliated organization that has a registered lobbyist; or
- 65 (B) any agency or subdivision of the state, including school districts;
- 66 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 67 (vii) in-kind contributions.
- 68 (b) "Contribution" does not include:
- 69 (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
- 72 (ii) money lent to the filing entity by a financial institution in the ordinary course of business;
- 74 (iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity; or
- 76 (iv) data or information described in Subsection (24)(b).
- 77 (7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:
- 79 (a) with the political entity's prior knowledge, if the political entity does not object;
- 80 (b) by agreement with the political entity;
- 81 (c) in coordination with the political entity; or

HB0335 compared with HB0335S01

82 (d) using official logos, slogans, and similar elements belonging to a political entity.

83 (8)

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

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

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

89 (b) "Corporation" does not mean:

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

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

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

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

99 (11) "Detailed listing" means:

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

101 (i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

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

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

106 (b) for each expenditure:

107 (i) the amount of the expenditure;

108 (ii) the goods or services acquired by the expenditure; and

109 (iii) the date the expenditure was made.

110 (12)

. (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

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

115 (13) "Election" means each:

HB0335 compared with HB0335S01

- 116 (a) regular general election;
- 117 (b) regular primary election; and
- 118 (c) special election at which candidates are eliminated and selected.
- 119 (14) "Electioneering communication" means a communication that:
- 120 (a) has at least a value of \$10,000;
- 121 (b) clearly identifies a candidate or judge; and
- 122 (c) is disseminated through the Internet, a social media platform, newspaper, magazine, an outdoor
advertising facility, a direct mailing, or a broadcast, cable, or satellite provider within 45 days of the
clearly identified candidate's or judge's election date.
- 125 (15)
- . (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting
entity on behalf of the reporting entity:
- 127 (i) any disbursement from contributions, receipts, or from the separate bank account required by
this chapter;
- 129 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything
of value made for political purposes;
- 131 (iii) an express, legally enforceable contract, promise, or agreement to make any purchase,
payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for
political purposes;
- 134 (iv) compensation paid by a filing entity for personal services rendered by a person without charge
to a reporting entity;
- 136 (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;
- 138 (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity
for political purposes at less than fair market value; or
- 140 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 141 (b) "Expenditure" does not include:
- 142 (i) services provided without compensation by individuals volunteering a portion or all of their time on
behalf of a reporting entity;
- 144 (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
- 146 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or
officeholders in states other than Utah.

HB0335 compared with HB0335S01

- 148 (16) "Federal office" means the office of president of the United States, United States Senator, or
United States Representative.
- 150 (17) "Filing entity" means the reporting entity that is required to file a financial statement required by
this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 152 (18) "Financial statement" includes any summary report, interim report, verified financial statement, or
other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is
required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 156 (19) "Governing board" means the individual or group of individuals that determine the candidates
and committees that will receive expenditures from a political action committee, political party, or
corporation.
- 159 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by
which a geographical area becomes legally recognized as a city or town.
- 162 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 163 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 164 (23) "Individual" means a natural person.
- 165 (24)
- . (a) "In-kind contribution" means anything of value, other than money, that is accepted by or
coordinated with a filing entity.
- 167 (b) "In-kind contribution" does not include survey results, voter lists, voter contact information,
demographic data, voting trend data, or other information that:
- 169 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
- 170 (ii) is offered at no cost to a candidate or officeholder.
- 171 (25) "Interim report" means a report identifying the contributions received and expenditures made since
the last report.
- 173 (26) "Legislative office" means the office of state senator, state representative, speaker of the House
of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party
caucus in either house of the Legislature.
- 176 (27) "Legislative office candidate" means a person who:
- 177 (a) files a declaration of candidacy for the office of state senator or state representative;
- 178

HB0335 compared with HB0335S01

- (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or
- 181 (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.
- 184 (28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:
- 186 (a) an expenditure made using any form of payment;
- 187 (b) money or funds received by the filing entity;
- 188 (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or
- 190 (d) use of any line of credit.
- 191 (29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.
- 193 (30) "Officeholder" means a person who holds a public office.
- 194 (31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.
- 196 (32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.
- 200 (33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.
- 202 (34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.
- 204 (35)
- . (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- 206 (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
- 208 (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

211

HB0335 compared with HB0335S01

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

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

215 (i) a party committee;

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

219 (iii) an individual;

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

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

224 (vi) a personal campaign committee.

225 (36)

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

228 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:

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

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

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

235 (37) "Political convention" means a county or state political convention held by a registered political party to select candidates.

237 (38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.

239 (39)

. (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

241

HB0335 compared with HB0335S01

- (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 245 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
- 249 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.
- 251 (b) "Political issues committee" does not mean:
 - 252 (i) a registered political party or a party committee;
 - 253 (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
 - 256 (iii) an individual;
 - 257 (iv) individuals who are related and who make contributions from a joint checking account;
 - 259 (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or
 - 261 (vi) a group of individuals who:
 - 262 (A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, special district, special service district, or other local political subdivision of the state;
 - 266 (B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;
 - 268 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;
 - 270 (D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and
 - 273 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).
- 275 (40)
 - . (a) "Political issues contribution" means any of the following:
 - 276 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

278

HB0335 compared with HB0335S01

- (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
- 281 (iii) any transfer of funds received by a political issues committee from a reporting entity;
- 283 (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
- 285 (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.
- 287 (b) "Political issues contribution" does not include:
 - 288 (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
 - 290 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.
- 292 (41)
 - . (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:
 - 295 (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
 - 297 (A) a ballot proposition; or
 - 298 (B) an incorporation petition or incorporation election;
 - 299 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:
 - 301 (A) a ballot proposition; or
 - 302 (B) an incorporation petition or incorporation election;
 - 303 (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
 - 305 (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
 - 307 (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.
 - 309 (b) "Political issues expenditure" does not include:
 - 310

HB0335 compared with HB0335S01

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
- 312 (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.
- 314 (42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
- 317 (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
- 319 (b) judge standing for retention at any election.
- 320 (43)
- . (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 324 (b) "Poll" does not include:
- 325 (i) a ballot; or
- 326 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 327 (A) the focus group consists of more than three, and less than thirteen, individuals; and
- 329 (B) all individuals in the focus group are present during the interview.
- 330 (44) "Primary election" means any regular primary election held under the election laws.
- 331 (45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.
- 336 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- 340 (47)
- .

HB0335 compared with HB0335S01

- (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:
- 343 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
anything of value to an officeholder; or
- 345 (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.
- 347 (b) "Public service assistance" does not include:
- 348 (i) anything provided by the state;
- 349 (ii) services provided without compensation by individuals volunteering a portion or all of their time on
behalf of an officeholder;
- 351 (iii) money lent to an officeholder by a financial institution in the ordinary course of business;
- 353 (iv) news coverage or any publication by the news media; or
- 354 (v) any article, story, or other coverage as part of any regular publication of any organization unless
substantially all the publication is devoted to information about the officeholder.
- 357 (48) "Receipts" means contributions and public service assistance.
- 358 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and
Regulation Act.
- 360 (50) "Registered political action committee" means any political action committee that is required by
this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- 363 (51) "Registered political issues committee" means any political issues committee that is required by
this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- 366 (52) "Registered political party" means an organization of voters that:
- 367 (a) participated in the last regular general election and polled a total vote equal to 2% or more of the
total votes cast for all candidates for the United States House of Representatives for any of its
candidates for any office; or
- 370 (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation
and Procedures.
- 372 (53)
- . (a) "Remuneration" means a payment:
- 373 (i) made to a legislator for the period the Legislature is in session; and
- 374

HB0335 compared with HB0335S01

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

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

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

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

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

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

382 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

386 (55) "School board office" means the office of state school board.

387 (56)

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

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

392 (57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

394 (58) "State office candidate" means a person who:

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

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

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

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

403 Section 2. Section **20A-11-901** is amended to read:

404

HB0335 compared with HB0335S01

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

407 (1) As used in this section:

408 (a)

409 ~~{(a)}~~ (i) "Advertisement" means a communication disseminated through:

409 ~~{(i)}~~ (A) the Internet, a social media platform, newspaper, magazine, an outdoor advertising facility, a direct mailing, or a broadcast, cable, or satellite provider; or

411 ~~{(ii)}~~ (B) any other medium used for communicating with the general public.

412 ~~{(b)}~~ (ii) "Advertisement" includes a news story, commentary, an editorial, or a marketing campaign disseminated on a medium described in Subsection ~~{(1)(a)}~~ (1)(a)(i).

415 (b) "Local attorney" means:

416 (i) a county attorney or district attorney, as described in Title 17, Chapter 18a, Powers and Duties of County and District Attorney; or

418 (ii) a city attorney under Section 10-3-928.

414 ~~{(1)}~~ (2)

. ~~{(a)}~~ Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through ~~[any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising]~~ an advertisement, the advertisement:

419 ~~{(i)}~~ (a) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

422 ~~{(ii)}~~ (b) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

425 ~~{(iii)}~~ (c) if not authorized by a candidate or a candidate's campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

428 ~~{(2)}~~ (3)

HB0335 compared with HB0335S01

- (a) A person that makes an expenditure for the purpose of financing an advertisement related to a ballot proposition shall ensure that the advertisement complies with Subsection [~~(2)(b)~~] (3)(b) if the advertisement expressly advocates:
- 431 (i) for placing a ballot proposition on the ballot;
- 432 (ii) for keeping a ballot proposition off the ballot;
- 433 (iii) that a voter refrain from voting on a ballot proposition; or
- 434 (iv) that a voter vote for or against a ballot proposition.
- 435 (b) An advertisement described in Subsection [~~(2)(a)~~] (3)(a) shall:
- 436 (i) if paid for by a political issues committee, clearly state that the advertisement was paid for by the political issues committee;
- 438 (ii) if paid for by another person but authorized by a political issues committee, clearly state who paid for the advertisement and that the political issues committee authorized the advertisement; or
- 441 (iii) if not authorized by a political issues committee, clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any political issues committee.
- 444 [~~(3)~~] (4) The requirements of Subsections [~~(1)~~] (2) and [~~(2)~~] (3) do not apply to:
- 445 (a) lawn signs with dimensions of four by eight feet or smaller;
- 446 (b) bumper stickers;
- 447 (c) campaign pins, buttons, and pens; or
- 448 (d) similar small items upon which the disclaimer cannot be conveniently printed.
- 449 [~~(4)~~] (5)
- . (a) A person who is not a reporting entity and pays for an electioneering communication shall file a report with the lieutenant governor within 24 hours of making the payment or entering into a contract to make the payment.
- 452 (b) The report shall include:
- 453 (i) the name and address of the person described in Subsection [~~(4)(a)~~] (5)(a);
- 454 (ii) the name and address of each person contributing at least \$100 to the person described in Subsection [~~(4)(a)~~] (5)(a) for the purpose of disseminating the electioneering communication;
- 457 (iii) the amount spent on the electioneering communication;
- 458 (iv) the name of the identified referenced candidate; and
- 459 (v) the medium used to disseminate the electioneering communication.

HB0335 compared with HB0335S01

- 460 [~~(5)~~] (6) A person may not, in order to promote the success of any candidate for nomination or election
to any public office, or in connection with any question submitted to the voters, include or cause to
be included the name of any person as endorser or supporter in any political advertisement, circular,
poster, or publication without the express consent of that person.
- 465 [~~(6)~~] (7)
- . (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other
periodical to induce the owner, editor, publisher, or agent to advocate or oppose editorially any
candidate for nomination or election.
- 468 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose
editorially any candidate for nomination or election.
- 470 (8) The lieutenant governor shall impose a \$1,000 fine against a person who:
- 471 (a) violates Subsection (5); or
- 472 (b) violates any other disclosure requirement or prohibition described in this section, if the violation
relates to:
- 474 (i) a statewide ballot proposition; or
- 475 (ii) the nomination or election of a candidate for:
- 476 (A) federal office;
- 477 (B) state office;
- 478 (C) legislative office; or
- 479 (D) state school board.
- 480 (9) ~~{The}~~ Upon investigation by the local attorney, the county clerk or municipal clerk shall impose
a \$500 fine against a person who violates this section, other than Subsection (5), if the violation
relates to:
- 482 (a) for a county clerk:
- 483 (i) a candidate for county office or a local school board;
- 484 (ii) a countywide local ballot proposition; or
- 485 (iii) a judicial retention election; or
- 486 (b) for a municipal clerk:
- 487 (i) a candidate for municipal office or a special district office; or
- 488 (ii) a citywide or townwide local ballot proposition.
- 489 (10)

HB0335 compared with HB0335S01

- . (a) The lieutenant governor shall deposit a fine collected under Subsection (8) into the state's General Fund.
- 491 (b) The county clerk or municipal clerk shall deposit a fine collected under Subsection (9) into the political subdivision's general fund.

499 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

2-7-25 2:03 PM