

Ethics and Campaign Finance

Summary of 7 Key Changes from the 2009 General Session

| Key Change | Bill Language |
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| <p>1. Prohibits personal use of campaign and officeholder funds</p> | <p><u>"(4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law.</u> <u>(b) A person who is no longer a state office candidate may transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office."</u></p> <p><i>S.B. 162 amendments to Section 20A-11-201 (for state office candidates), 20A-11-301 (for legislative office candidates), 20A-11-402 (for officeholders), 20A-11-1301 (for school board candidates)</i></p> |
| <p>2. Includes admission to a sporting, recreational, or artistic event and cash as a "gift"</p> | <p>(1) As used in this section and Section 36-11-201: (a) "Gift" means a transfer of real property or tangible personal property for less than fair and adequate consideration. <u>(b) Notwithstanding Subsection (1)(a), "gift" includes:</u> <u>(i) admission to a sporting, recreational, or artistic event whether as a spectator or a participant; and</u> <u>(ii) cash.</u></p> <p><i>S.B. 156 amendments to Section 36-11-304</i></p> |
| <p>3. Requires a lobbyist to report an expenditure made to benefit a public official for food or beverage greater than \$25, instead of \$50, unless all members of the Legislature or legislative committee are invited</p> | <p>(3)(e)(i)(C) an expenditure made for food or beverage, if the aggregate daily expenditures benefitting the public official are greater than [\$50; and] <u>\$25 unless the food or beverage is provided in connection with an event to which:</u> <u>(I) all of the members of the legislature, a standing or interim committee or official legislative task force, or a party caucus are invited; or</u> <u>(II) all attendees from a house of the Legislature are invited, if the event is held in conjunction with a meeting of a regional or national organization the members of which are comprised of state legislatures or legislators;</u></p> <p><i>S.B. 156 amendments to Section 36-11-201</i></p> |

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| <p>4. Prohibits certain elected officials from lobbying for one year after leaving office (includes: legislators, governor, lieutenant governor, state auditor, state treasurer, and attorney general)</p> | <p><u>(1) Except as provided in Subsection (2), a former state official serving on or after May 12, 2009, may not become a lobbyist or engage in lobbying that would require registration as a lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar year, beginning on the day the state official leaves office and ending on the one-year anniversary of that day.</u></p> <p><u>(2) This section does not apply if the former state official engages in lobbying on behalf of:</u></p> <p><u>(a) himself; or</u></p> <p><u>(b) a business with which he is associated, unless the primary activity of the business is lobbying or governmental relations.</u></p> <p><i>H.B. 345 enactment of Section 67-24-103</i></p> |
| <p>5. Requires campaign contributions to be reported within 30 days after being received</p> | <p><u>(4)(b) Each state office candidate shall report each contribution and public service assistance to the lieutenant governor within 30 days after the contribution or public service assistance is received.</u></p> <p><i>H.B. 346 amendments to Section 20A-11-201 (for state office candidates), 20A-11-301 (for legislative office candidates), 20A-11-1301 (for school board candidates)</i></p> |
| <p>6. Provides that contributions received more than five days before an interim filing date are reported in the interim report</p> | <p><u>(4)(b) Any negotiable instrument or check received by a state office candidate more than five days before the required filing date of a report required by this section shall be negotiated and included in the interim report.</u></p> <p><i>H.B. 346 amendments to Section 20A-11-204 (for state office candidates), 20A-11-303 (for legislative office candidates), 20A-11-1303 (for school board candidates)</i></p> |

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| <p>7. Provides for an ethics training course for legislators and lobbyists</p> | <p><u>(1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature and lobbyists.</u></p> <p><u>(2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators, lobbyists, and to the public.</u></p> <p><u>(3) The ethics training course shall be designed to assist legislators and lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.</u></p> <p><u>(4) The ethics training course shall include provisions for verifying when a legislator or lobbyist has successfully completed key training exercises.</u></p> <p><u>(5) A legislator or lobbyist shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.</u></p> <p><u>(6) A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.</u></p> <p><i>H.J.R. 14 enactment of JR6-1-301</i></p> |

Note: Each bill is effective on May 12, 2009.

Sources:

- S.B. 162 Use of Campaign Funds Amendments *(Sen. J. Valentine)*
- S.B. 156 Gifts and Meal Provisions for Public Officials *(Sen. G. Bell)*
- H.B. 345 Elected Officials - Restrictions on Lobbying *(Rep. B. Dee)*
- H.B. 346s3 Campaign and Financial Reporting Requirements Amendments *(Rep. B. Dee)*
- H.J.R. 14 Joint Rules Resolution - Ethics Training Course Provisions *(Rep. L. Fowlke)*