

**Effective 5/13/2014**

**Part 17**  
**Independent Expenditures**

**20A-11-1701 Title.**

This part is known as "Independent Expenditures."

Enacted by Chapter 60, 2014 General Session

**20A-11-1702 Definitions.**

As used in this part:

- (1) "Clearly identified" means:
  - (a) the name of the candidate appears;
  - (b) a photograph or drawing of the candidate appears; or
  - (c) the identity of the candidate or ballot proposition is apparent by unambiguous reference.
- (2)
  - (a) "Independent expenditure" means an expenditure by a person expressly advocating the success or defeat of a clearly identified candidate or ballot proposition if the expenditure is not made in coordination with, or at the request or suggestion of:
    - (i) a candidate;
    - (ii) a candidate's personal campaign committee;
    - (iii) a member of a candidate's personal campaign committee;
    - (iv) a political action committee for which the candidate is an officer with primary decision making authority;
    - (v) an agent of a candidate; or
    - (vi) a political issues committee.
  - (b) "Independent expenditure" includes:
    - (i) the cost of creating and disseminating material for a public communication, including design and production costs; and
    - (ii) a contract or other promise to make an expenditure described in Subsection (2)(a) or (2)(b)
      - (i).
- (3)
  - (a) "Public communication" means a communication by:
    - (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank; or
    - (ii) another medium used for political advertising to the general public.
  - (b) "Public communication" does not include:
    - (i) a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, that is not controlled by a candidate or political party; or
    - (ii) a candidate debate or forum.
- (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls within any 30-day period.

Enacted by Chapter 60, 2014 General Session

**20A-11-1703 Exceptions.**

- (1) A registered political party is not required to comply with the requirements of this part.
- (2) A reporting entity is not required to report an independent expenditure under this part if the reporting party:
  - (a) reports the expenditure under another part in this chapter; and
  - (b) in the report described in Subsection (2)(a):
    - (i) identifies the expenditure as an independent expenditure; and
    - (ii) provides the information, described in Section 20A-11-1704, in relation to the independent expenditure.

Amended by Chapter 83, 2018 General Session

**20A-11-1704 Independent expenditure report.**

- (1) Except as provided in Section 20A-11-1703, within 31 days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle, the person shall file an independent expenditure report with the chief election officer.
- (2) Except as provided in Section 20A-11-1703, within 31 days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle that were not reported in an independent expenditure report already filed with the chief election officer during the same election cycle, the person shall file another independent expenditure report with the chief election officer.
- (3) An independent expenditure report shall include the following information:
  - (a) if the person who made the independent expenditures is an individual, the person's name, address, and phone number;
  - (b) if the person who made the independent expenditures is not an individual:
    - (i) the person's name, address, and phone number; and
    - (ii) the name, address, and phone number of an individual who may be contacted by the chief election officer in relation to the independent expenditure report; and
  - (c) for each independent expenditure made by the person during the current election cycle that was not reported in a previous independent expenditure report:
    - (i) the date of the independent expenditure;
    - (ii) the amount of the independent expenditure;
    - (iii) the candidate or ballot proposition for which the independent expenditure expressly advocates the success or defeat and a description of whether the independent expenditure supports or opposes the candidate or ballot proposition;
    - (iv) the identity, address, and phone number of the person to whom the independent expenditure was made;
    - (v) a description of the goods or services obtained by the independent expenditure; and
    - (vi) for each person who, for political purposes, made cumulative donations of \$1,000 or more during the current election cycle to the filer of the independent expenditure report:
      - (A) the identity, address, and phone number of the person;
      - (B) the date of the donation; and
      - (C) the amount of the donation.
- (4)
  - (a) If the person filing an independent expenditure report is an individual, the person shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
  - (b) If the person filing an independent expenditure report is not an individual:

- (i) the person filing the independent expenditure report shall designate an authorized individual to sign the independent expenditure report on behalf of the person; and
  - (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
- (5) If a person who files an independent expenditure report previously filed an independent expenditure report during, or in relation to, the same election cycle that includes information, described in Subsection (3)(a) or (b), that has changed since the person filed the previous independent expenditure report, the person shall include in the most recent independent expenditure report a description of the information that has changed that includes both the old information and the new information.
- (6) An independent expenditure report is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 83, 2018 General Session

**20A-11-1705 Detailed records.**

A person who files an independent expenditure report shall keep records of all independent expenditures made by the person, including receipts, and all donations described in Subsection 20A-11-1704(3)(c)(vi), for at least two years after the day on which the independent expenditure report to which the records relate is filed.

Enacted by Chapter 60, 2014 General Session

**20A-11-1706 Penalties.**

- (1) The chief election officer shall impose a \$100 fine against an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.
- (2) The chief election officer shall impose a \$1000 fine against a person who is not an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.
- (3) The chief election officer shall deposit fines collected under this chapter into the General Fund.

Amended by Chapter 20, 2021 General Session