

Effective 5/12/2015

20A-11-1202 Definitions.

As used in this part:

- (1) "Applicable election officer" means:
 - (a) a county clerk, if the election relates only to a local election; or
 - (b) the lieutenant governor, if the election relates to an election other than a local election.
- (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.
- (3)
 - (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.
 - (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:
 - (i) government appropriations;
 - (ii) taxes;
 - (iii) government fees imposed for regulatory or revenue raising purposes; or
 - (iv) interest earned on public funds or other returns on investment of public funds.
- (4) "Expenditure" means:
 - (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
 - (b) 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;
 - (c) a transfer of funds between a public entity and a candidate's personal campaign committee;
 - (d) a transfer of funds between a public entity and a political issues committee; or
 - (e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.
- (5) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:
 - (a) government appropriations;
 - (b) taxes;
 - (c) government fees imposed for regulatory or revenue raising purposes; or
 - (d) interest earned on public funds or other returns on investment of public funds.
- (6)
 - (a) "Influence" means to campaign or advocate for or against a ballot proposition.
 - (b) "Influence" does not mean providing a brief statement about a public entity's position on a ballot proposition and the reason for that position.
- (7) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- (8) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (9) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
 - (a) candidate for public office at any caucus, political convention, primary, or election; or
 - (b) judge standing for retention at any election.
- (10)

- (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.
- (b) "Public entity" does not include a commercial interlocal cooperation agency.
- (c) "Public entity" includes local health departments created under Title 26, Chapter 1, Department of Health Organization.

(11)

- (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.
- (b) "Public funds" does not include money donated to a public entity by a person or entity.

(12)

- (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.
- (b) "Public official" includes the person or group that:
 - (i) has supervisory authority over the personnel and affairs of a public entity; and
 - (ii) approves the expenditure of funds for the public entity.

(13)

- (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (b) "State agency" includes the legislative branch, the Board of Regents, the institutional councils of each higher education institution, and each higher education institution.

Amended by Chapter 435, 2015 General Session