

Chapter 11 Lobbyist Disclosure and Regulation Act

Part 1 General Provisions and Registration

36-11-101 Short title.

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

Enacted by Chapter 280, 1991 General Session

36-11-102 Definitions.

As used in this chapter:

- (1) "Aggregate daily expenditures" means:
 - (a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;
 - (b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or
 - (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.
- (2) "Approved activity" means an event, a tour, or a meeting:
 - (a)
 - (i) to which a legislator or another nonexecutive branch public official is invited; and
 - (ii) attendance at which is approved by:
 - (A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or
 - (B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or
 - (b)
 - (i) to which a public official who holds a position in the executive branch of state government is invited; and
 - (ii) attendance at which is approved by the governor or the lieutenant governor.
- (3) "Board of education" means:
 - (a) a local school board described in Title 53G, Chapter 4, School Districts;
 - (b) the State Board of Education;
 - (c) the State Charter School Board created under Section 53G-5-201; or
 - (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- (4) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.
- (5)
 - (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.
 - (b) "Compensation" includes:
 - (i) a salary or commission;

- (ii) a bonus;
 - (iii) a benefit;
 - (iv) a contribution to a retirement program or account;
 - (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to social security deductions, including a payment in excess of the maximum amount subject to deduction under social security law;
 - (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
 - (vii) income based on an individual's ownership interest.
- (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:
- (a) because of the public official's ownership interest in the compensation payor; or
 - (b) for services rendered by the public official on behalf of the compensation payor.
- (7) "Education action" means:
- (a) a resolution, policy, or other official action for consideration by a board of education;
 - (b) a nomination or appointment by an education official or a board of education;
 - (c) a vote on an administrative action taken by a vote of a board of education;
 - (d) an adjudicative proceeding over which an education official has direct or indirect control;
 - (e) a purchasing or contracting decision;
 - (f) drafting or making a policy, resolution, or rule;
 - (g) determining a rate or fee; or
 - (h) making an adjudicative decision.
- (8) "Education official" means:
- (a) a member of a board of education;
 - (b) an individual appointed to or employed in a position under a board of education, if that individual:
 - (i) occupies a policymaking position or makes purchasing or contracting decisions;
 - (ii) drafts resolutions or policies or drafts or makes rules;
 - (iii) determines rates or fees;
 - (iv) makes decisions relating to an education budget or the expenditure of public money; or
 - (v) makes adjudicative decisions; or
 - (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.
- (10) "Executive action" means:
- (a) a nomination or appointment by the governor;
 - (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) agency ratemaking proceedings; or
 - (d) an adjudicative proceeding of a state agency.
- (11)
- (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:
 - (i) a purchase, payment, or distribution;
 - (ii) a loan, gift, or advance;
 - (iii) a deposit, subscription, or forbearance;
 - (iv) services or goods;

- (v) money;
 - (vi) real property;
 - (vii) a ticket or admission to an event; or
 - (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (11)(a)(i) through (vii).
- (b) "Expenditure" does not mean:
- (i) a commercially reasonable loan made in the ordinary course of business;
 - (ii) a campaign contribution:
 - (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
 - (B) lawfully given to a person that is not required to report the contribution under a law or ordinance described in Subsection (11)(b)(ii)(A);
 - (iii) printed informational material that is related to the performance of the recipient's official duties;
 - (iv) a devise or inheritance;
 - (v) any item listed in Subsection (11)(a) if:
 - (A) given by a relative;
 - (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official;
 - (C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or
 - (D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures do not exceed \$10;
 - (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are invited:
 - (A) all members of the Legislature;
 - (B) all members of a standing or interim committee;
 - (C) all members of an official legislative task force;
 - (D) all members of a party caucus; or
 - (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;
 - (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
 - (A) giving a speech at the event, tour, or meeting;
 - (B) participating in a panel discussion at the event, tour, or meeting; or
 - (C) presenting or receiving an award at the event, tour, or meeting;
 - (viii) a plaque, commendation, or award that:
 - (A) is presented in public; and
 - (B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or award;
 - (ix) a gift that:
 - (A) is an item that is not consumable and not perishable;
 - (B) a public official, other than a local official or an education official, accepts on behalf of the state;
 - (C) the public official promptly remits to the state;

- (D) a property administrator does not reject under Section 63G-23-103;
- (E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and
- (F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift or benefit to one or more public officials in a manner that would otherwise qualify the gift as an expenditure if the gift were given directly to a public official;
- (x) any of the following with a cash value not exceeding \$30:
 - (A) a publication; or
 - (B) a commemorative item;
- (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
 - (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
 - (B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection (11)(b)(xi)(A); or
 - (C) charitable solicitation, as defined in Section 13-22-2;
- (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
- (xiii) sponsorship of an approved activity;
- (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:
 - (A) that is sponsored by a governmental entity;
 - (B) that is widely attended and related to a governmental duty of a public official;
 - (C) for a local official, that is sponsored by an organization that represents only local governments, including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah Association of Special Districts; or
 - (D) for an education official, that is sponsored by a public school, a charter school, or an organization that represents only public schools or charter schools, including the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or
- (xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to:
 - (A) for a public official who is not a local official or an education official, the state; or
 - (B) for a public official who is a local official or an education official, the local government or board of education to which the public official belongs.
- (12) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.
- (13)
 - (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.
 - (b) "Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.
- (14) "Foreign government" means a government other than the government of:
 - (a) the United States;
 - (b) a state within the United States;

(c) a territory or possession of the United States; or

(d) a political subdivision of the United States.

(15)

(a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;

(ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;

(iii) an individual appointed to fill a vacancy in a position described in Subsection (15)(a)(i) or (ii), when acting in the capacity of the position; or

(iv) an individual appointed to or employed in a full-time position by state government, local government, or a board of education, when acting in the capacity of the individual's appointment or employment.

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

(16) "Immediate family" means:

(a) a spouse;

(b) a child residing in the household; or

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

(17) "Legislative action" means:

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

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

(18) "Lobbying" means communicating with a public official for the purpose of influencing a legislative action, executive action, local action, or education action.

(19)

(a) "Lobbyist" means:

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

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

(b) "Lobbyist" does not include:

(i) a government officer;

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

(iii) a person, including a principal, while appearing at, or providing written comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

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

(v) a representative of a political party;

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

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

- (viii) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative action, executive action, local action, or education action; or
- (ix) an individual representing a business, entity, or industry, who:
 - (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and
 - (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.
- (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.
- (21) "Local action" means:
 - (a) an ordinance or resolution for consideration by a local government;
 - (b) a nomination or appointment by a local official or a local government;
 - (c) a vote on an administrative action taken by a vote of a local government's legislative body;
 - (d) an adjudicative proceeding over which a local official has direct or indirect control;
 - (e) a purchasing or contracting decision;
 - (f) drafting or making a policy, resolution, or rule;
 - (g) determining a rate or fee; or
 - (h) making an adjudicative decision.
- (22) "Local government" means:
 - (a) a county, city, town, or metro township;
 - (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
 - (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;
 - (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
 - (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
 - (f) a redevelopment agency; or
 - (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.
- (23) "Local official" means:
 - (a) an elected member of a local government;
 - (b) an individual appointed to or employed in a position in a local government if that individual:
 - (i) occupies a policymaking position or makes purchasing or contracting decisions;
 - (ii) drafts ordinances or resolutions or drafts or makes rules;
 - (iii) determines rates or fees; or
 - (iv) makes adjudicative decisions; or
 - (c) an immediate family member of an individual described in Subsection (23)(a) or (b).
- (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.

- (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.
- (26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.
- (27) "Public official" means:
- (a)
 - (i) a member of the Legislature;
 - (ii) an individual elected to a position in the executive branch of state government; or
 - (iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:
 - (A) occupies a policymaking position or makes purchasing or contracting decisions;
 - (B) drafts legislation or makes rules;
 - (C) determines rates or fees; or
 - (D) makes adjudicative decisions;
 - (b) an immediate family member of a person described in Subsection (27)(a);
 - (c) a local official; or
 - (d) an education official.
- (28) "Public official type" means a notation to identify whether a public official is:
- (a)
 - (i) a member of the Legislature;
 - (ii) an individual elected to a position in the executive branch of state government;
 - (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
 - (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
 - (v) a local official, including a description of the type of local government for which the individual is a local official; or
 - (vi) an education official, including a description of the type of board of education for which the individual is an education official; or
 - (b) an immediate family member of an individual described in Subsection (27)(a), (c), or (d).
- (29) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).
- (30) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- (31) "Relative" means:
- (a) a spouse;
 - (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
 - (c) a spouse of an individual described in Subsection (31)(b).
- (32) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not primarily for entertainment, including:
- (a) viewing a facility;
 - (b) viewing the sight of a natural disaster; or
 - (c) assessing a circumstance in relation to which a public official may need to take action within the scope of the public official's duties.

Amended by Chapter 16, 2023 General Session

36-11-103 Licensing requirements.

- (1)
 - (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the lieutenant governor by completing the form required by this section.
 - (b) The lieutenant governor shall issue licenses to qualified lobbyists.
 - (c) The lieutenant governor shall prepare a lobbyist license application form that includes:
 - (i) a place for the lobbyist's name and business address;
 - (ii) a place for the following information for each principal for whom the lobbyist works or is hired as an independent contractor:
 - (A) the principal's name;
 - (B) the principal's business address;
 - (C) the name of each public official that the principal employs and the nature of the employment with the public official; and
 - (D) the general purposes, interests, and nature of the principal;
 - (iii) a place for the name and address of the person who paid or will pay the lobbyist's licensing fee, if the fee is not paid by the lobbyist;
 - (iv) a place for the lobbyist to disclose:
 - (A) any elected or appointed position that the lobbyist holds in state or local government, if any; and
 - (B) the name of each public official that the lobbyist employs and the nature of the employment with the public official, if any;
 - (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will be reimbursed;
 - (vi) a statement that an individual is required to register as a foreign agent under Section 36-11-103.5 before engaging in lobbying on behalf of a foreign government;
 - (vii) a place for the lobbyist to indicate whether the lobbyist would like to register as a foreign agent; and
 - (viii) a certification to be signed by the lobbyist that certifies that the information provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief.
 - (2) Each lobbyist who obtains a license under this section shall update the licensure information when the lobbyist accepts employment for lobbying by a new client.
- (3)
 - (a) Except as provided in Subsection (4), the lieutenant governor shall grant a lobbying license to an applicant who:
 - (i) files an application with the lieutenant governor that contains the information required by this section and, if applicable, Section 36-11-103.5;
 - (ii) completes the training required by Section 36-11-307; and
 - (iii) pays a \$60 licensing fee.
 - (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 each year.
- (4)
 - (a) The lieutenant governor may disapprove an application for a lobbying license:
 - (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
 - (ii) if, within one year before the date of the lobbying license application, the applicant is convicted of a violation of:
 - (A) Section 76-8-104; or

- (B) Section 76-9-102, if the violation is a misdemeanor that occurs at an official meeting;
- (iii) during the term of any suspension imposed under Section 36-11-401;
- (iv) if the applicant has not complied with Subsection 36-11-307(6);
- (v) during the term of a suspension imposed under Subsection 36-11-501(3);
- (vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);
- (vii) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:
 - (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or
 - (B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or
- (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.
- (b) An applicant may appeal the disapproval in accordance with the procedures established by the lieutenant governor under this chapter and Title 63G, Chapter 4, Administrative Procedures Act.
- (5) The lieutenant governor shall deposit each licensing fee into the General Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of administering the license program described in this section.
- (6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Section 36-11-201.
- (7) Government officers need not obtain a license under this section, but shall disclose any expenditures made to benefit public officials as required by Section 36-11-201.
- (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

Amended by Chapter 125, 2022 General Session

36-11-103.5 Registering as foreign agent.

- (1) Before engaging in lobbying as a foreign agent, a foreign agent shall register with the lieutenant governor under this section.
- (2) If a lobbyist indicates on the lobbyist license application form described in Section 36-11-103, or otherwise indicates to the lieutenant governor that the lobbyist would like to register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent registration form that includes:
 - (a) a place for the lobbyist's name, address, business telephone number, and principal place of business;
 - (b) a place for the lobbyist to list each foreign government for which the lobbyist is registering as a foreign agent;
 - (c) a place for the lobbyist to describe the issues on which the lobbyist expects to engage in lobbying as a foreign agent; and
 - (d) a certification for the lobbyist to sign, certifying that the information the lobbyist provides in the form is true, accurate, and complete.
- (3)

- (a) A lobbyist who registers as a foreign agent under this section shall update the information in the lobbyist's foreign agent registration form when the lobbyist agrees to lobby on behalf of a foreign government that is not listed in the lobbyist's foreign agent registration form.
- (b) A lobbyist may not lobby on behalf of a foreign government that is not listed in the lobbyist's foreign agent registration form.

Enacted by Chapter 125, 2022 General Session

36-11-106 Financial reports are public documents.

- (1) Any person may:
 - (a) without charge, inspect a lobbyist license application, foreign agent registration form, or financial report filed with the lieutenant governor in accordance with this chapter; and
 - (b) make a copy of an application, form, or financial report described in Subsection (1)(a) after paying for the actual costs of the copy.
- (2) The lieutenant governor shall make financial reports filed in accordance with this chapter available for viewing on the Internet at the lieutenant governor's website within seven calendar days after the day on which the report is received by the lieutenant governor.

Amended by Chapter 125, 2022 General Session

Part 2
Disclosure of Expenditures

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

- (1)
 - (a)
 - (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).
 - (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is not required to file a quarterly financial report for that quarterly reporting period.
 - (iii) A lobbyist who is not required to file any quarterly reports under this section for a calendar year shall, on or before January 10 of the following year, file a financial report listing the amount of the expenditures for the entire preceding year as "none."
 - (b) Except as provided in Subsection (1)(c), a government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.
 - (c)
 - (i) As used in this Subsection (1)(c), "same local government type" means:
 - (A) for a county government, the same county government or another county government;
 - (B) for a municipal government, the same municipal government or another municipal government;
 - (C) for a board of education, the same board of education;
 - (D) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;

- (E) for a special district, the same special district or another special district or a special service district;
 - (F) for a special service district, the same special service district or another special service district or a special district; or
 - (G) for a participant in an interlocal agreement, another participant in the same interlocal agreement.
- (ii) A local official or an education official is not required, under this section, to report an expenditure made by the local official or education official to another local official or education official of the same local government type as the local official or education official making the expenditure.
- (2)
- (a) A financial report is due quarterly on the following dates:
 - (i) April 10, for the period of January 1 through March 31;
 - (ii) July 10, for the period of April 1 through June 30;
 - (iii) October 10, for the period of July 1 through September 30; and
 - (iv) January 10, for the period of October 1 through December 31 of the previous year.
 - (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report is due on the next succeeding business day.
 - (c) A financial report is timely filed if it is filed electronically before the close of regular office hours on or before the due date.
- (3) A financial report shall contain:
- (a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;
 - (b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;
 - (c) for the financial report due on January 10:
 - (i) the total amount of expenditures made to benefit any public official during the last calendar year; and
 - (ii) the total amount of expenditures made, by the type of public official, during the last calendar year;
 - (d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:
 - (i) each travel destination and each lodging location;
 - (ii) the name of each public official who benefitted from the expenditure on travel or lodging;
 - (iii) the public official type of each public official named;
 - (iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and
 - (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
 - (e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:
 - (i) the date and purpose of the expenditure;
 - (ii) the location of the expenditure;
 - (iii) the name of any public official benefitted by the expenditure;
 - (iv) the type of the public official benefitted by the expenditure; and
 - (v) the total monetary worth of the benefit that the expenditure conferred on any public official;
 - (f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:
 - (i) the name of the public official; and

- (ii) the nature of the employment with the public official;
 - (g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;
 - (h) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;
 - (i) a description of each local action or education action regarding which the lobbyist, principal, or government officer made an expenditure to a local official or education official;
 - (j) the general purposes, interests, and nature of the entities that the lobbyist, principal, or government officer filing the report represents; and
 - (k) for a lobbyist, a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.
- (4) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official under circumstances that would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.
- (5) The lieutenant governor shall:
- (a)
 - (i) develop a preprinted form for a financial report required by this section; and
 - (ii) make copies of the form available to a lobbyist, principal, or government officer who requests a form; and
 - (b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a financial report required by this chapter via the Internet.
- (6)
- (a) A lobbyist and a principal shall continue to file a financial report required by this section until the lobbyist or principal files a statement with the lieutenant governor that:
 - (i)
 - (A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or
 - (B) for a principal, states that the principal no longer employs an individual as a lobbyist;
 - (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;
 - (iii) contains a listing, as required by this section, of all previously unreported expenditures that have been made through the date of the statement; and
 - (iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.
 - (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required to file a financial report under this section is required to file the report quarterly until the lobbyist or principal files the statement required by Subsection (6)(a).

Amended by Chapter 16, 2023 General Session

Part 3 Regulation of Lobbyists' Activities

36-11-301 Contingent compensation prohibited.

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action.

Enacted by Chapter 280, 1991 General Session

36-11-302 Improper influence -- Communication with a legislator's employer prohibited.

A person may not seek to influence the vote of any legislator through communication with the legislator's employer.

Enacted by Chapter 280, 1991 General Session

36-11-303 Prohibition on communicating false information to a public officer.

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.

Enacted by Chapter 280, 1991 General Session

36-11-304 Expenditures over certain amounts prohibited -- Exceptions.

- (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government officer may not make or offer to make aggregate daily expenditures that exceed:
 - (a) for food or beverage, the food reimbursement rate; or
 - (b) \$10 for expenditures other than food or beverage.
- (2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed the limits described in Subsection (1):
 - (a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:
 - (i) food;
 - (ii) beverage;
 - (iii) travel;
 - (iv) lodging; or
 - (v) admission to or attendance at a tour or meeting that is not an approved activity; or
 - (b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public official.
- (3)
 - (a) As used in this Subsection (3), "same local government type" means:
 - (i) for a county government, the same county government or another county government;
 - (ii) for a municipal government, the same municipal government or another municipal government;
 - (iii) for a board of education, the same board of education;
 - (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;
 - (v) for a special district, the same special district or another special district or a special service district;
 - (vi) for a special service district, the same special service district or another special service district or a special district; or
 - (vii) for a participant in an interlocal agreement, another participant in the same interlocal agreement.

- (b) This section does not apply to an expenditure made by a local official or an education official to another local official or education official of the same local government type as the local official or education official making the expenditure.

Amended by Chapter 16, 2023 General Session

36-11-304.5 Disposal of publications.

If a lobbyist, principal, or government officer makes an expenditure, in the form of a publication, to a public official, the public official may return the publication to the lobbyist, principal, or government officer, donate the publication to a charity or a government entity, or destroy the publication.

Enacted by Chapter 264, 2015 General Session

36-11-305 Campaign contribution during session prohibited.

- (1) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to any of the following during the time the Legislature is convened in annual general session, veto override session, or special session:
 - (a)
 - (i) a legislator;
 - (ii) the lieutenant governor;
 - (iii) the attorney general;
 - (iv) the state auditor; or
 - (v) the state treasurer;
 - (b) the personal campaign committee of an individual described in Subsection (1)(a); or
 - (c) a political action committee controlled by a person described in Subsection (1)(a).
- (2) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to the governor, the governor's personal campaign committee, or a political action committee controlled by the governor during the time the Legislature is convened in annual general session, veto override session, special session, or during the time period established by the Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by the Legislature in the annual general session.
- (3) Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 139, 2018 General Session

36-11-305.5 Lobbyist requirements.

- (1) The lieutenant governor shall issue to each lobbyist a name tag that includes:
 - (a) the word "Lobbyist" in at least 18-point type;
 - (b) the first and last name of the lobbyist, in at least 18-point type; and
 - (c) if the lobbyist is registered as a foreign agent under Section 36-11-103.5, the words "Registered Foreign Lobbyist" in at least 14-point type.
- (2) A lobbyist may not lobby a public official while the lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in Subsection (1), with the information described in Subsection (1), in plain view.

- (3) A lobbyist shall, at the beginning of making a communication to a public official that constitutes lobbying, inform the public official of the identity of the principal on whose behalf the lobbyist is lobbying.

Amended by Chapter 125, 2022 General Session

36-11-306 Conflicts of interest.

- (1) As used in this section, "conflict of interest" means a circumstance where:
 - (a) the representation of one principal or client will be directly adverse to another principal or client; or
 - (b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:
 - (i) another principal or client; or
 - (ii) a personal interest of the lobbyist.
- (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.
- (3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a principal or client if:
 - (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;
 - (b) the representation is not otherwise prohibited by law;
 - (c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and
 - (d) each affected principal or client gives informed consent to the conflict of interest in writing.

Enacted by Chapter 233, 2007 General Session

36-11-307 Ethics and unlawful harassment training course for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.

- (1) The lieutenant governor shall develop and maintain online training courses educating lobbyists about:
 - (a) federal workplace discrimination and harassment prohibitions and requirements;
 - (b) the Utah Senate's, Utah House's, and the executive branch's policies governing workplace discrimination and harassment prohibitions, policies, and procedures; and
 - (c) state and federal requirements governing lobbyists, including lobbyist ethical requirements.
- (2) A training course described in Subsection (1) shall include training materials and exercises that are available on the Internet to lobbyists and to the public.
- (3) The lieutenant governor shall design the ethics training course to assist lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The lieutenant governor may enter into an agreement with the Division of Human Resource Management to assist the lieutenant governor in providing the workplace discrimination and harassment training described in this section.
- (5) A training course described in this section shall include provisions for verifying when a lobbyist has successfully completed the training.
- (6)

- (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a lobbying license or a lobbying license renewal:
 - (i) successfully complete the training courses described in this section; and
 - (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying that the lobbyist has:
 - (A) completed the training courses required by this section; and
 - (B) received, read, understands, and will comply with the workplace discrimination and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive branch.
- (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying license, until the lieutenant governor has received from the lobbyist the document required by Subsection (6)(a).
- (7) A signature described in Subsection (6)(b) may be an electronic signature.

Amended by Chapter 344, 2021 General Session

Part 4

Penalties and Statutory Construction

36-11-401 Penalties.

- (1) Any person who intentionally violates Section 36-11-103, 36-11-103.5, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; and
 - (b) for each subsequent violation of that same section within 24 months, either:
 - (i) an administrative penalty of up to \$5,000; or
 - (ii) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or financial report, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; or
 - (b) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (3) Any person who intentionally fails to file a financial report required by this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.
- (4)
 - (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.
 - (b) When a lobbyist is convicted of violating Section 76-8-104, or Section 76-9-102 if the violation is a misdemeanor that occurs at an official meeting, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.
- (5)
 - (a) A person who intentionally violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.

- (b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.
 - (c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.
 - (d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.
- (6) Nothing in this chapter creates a third-party cause of action or appeal rights.

Amended by Chapter 125, 2022 General Session

36-11-403 Lobbying without a license.

- (1) No person may engage in any lobbying activities:
 - (a) without the license required by this chapter;
 - (b) during the period of any bar from obtaining a license; or
 - (c) when the license has been suspended or revoked.
- (2) The attorney general may seek injunctive relief against any person violating this section.

Enacted by Chapter 280, 1991 General Session

36-11-404 Lieutenant governor's procedures.

- (1) Except as otherwise provided under Section 36-11-501, the director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that provide:
 - (a) for the appointment of an administrative law judge to adjudicate alleged violations of this chapter and to impose penalties under this chapter; and
 - (b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions described in this chapter.

Amended by Chapter 125, 2022 General Session

36-11-405 Construction and interpretation -- Freedom of expression, participation, and press.

- (1) No provision of this chapter may be construed in a manner that limits:
 - (a) a person's right of freedom of expression and participation in government; or
 - (b) freedom of the press.
- (2) This chapter does not prevent a local government or public education entity from enacting an ordinance or adopting a policy, that the local government or public education entity otherwise has the lawful authority to enact or adopt, that is stricter than the requirements of this chapter.

Amended by Chapter 125, 2022 General Session

**Part 5
Unlawful Harassment**

36-11-501 Unlawful harassment -- Investigation -- Penalties.

- (1) A lobbyist may not engage in conduct that violates:
 - (a) federal workplace discrimination and harassment requirements;
 - (b) Utah Senate or Utah House policies governing workplace discrimination or harassment;
 - (c) Utah executive branch policies governing workplace discrimination or harassment; or
 - (d) any combination of Subsections (1)(a), (b), or (c).
- (2)
 - (a) The lieutenant governor may take an action described in Subsection (3) against a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple violations, of this section.
 - (b) The lieutenant governor shall post on the lieutenant governor's website a copy of the Utah Senate's harassment policy, the Utah House's harassment policy, and the executive branch's harassment policies.
- (3) If the lieutenant governor makes a finding described in Subsection (2)(a), the lieutenant governor may, taking into account the seriousness of the violation or the seriousness or frequency of multiple violations, do either or both of the following:
 - (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or
 - (b) suspend the lobbyist's license for a period of up to five years.
- (4) A record that relates to an investigation under this section is a protected record, to the extent permitted by Title 63G, Chapter 2, Government Records Access and Management Act.
- (5)
 - (a) A lobbyist who is a victim of workplace discrimination or harassment by an executive worker may file a complaint under the state executive branch's applicable workplace discrimination and harassment policy.
 - (b) A lobbyist who is a victim of workplace discrimination or harassment by a legislative worker may file a complaint under the Utah Senate's workplace discrimination and harassment policy or the Utah House's workplace discrimination and harassment policy.

Enacted by Chapter 339, 2019 General Session