

**POLITICAL ACTIVITIES OF PUBLIC
ENTITIES AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Thomas

LONG TITLE

General Description:

This bill modifies provisions of the Political Activities of Public Entities Act.

Highlighted Provisions:

This bill:

- ▶ clarifies the definition of "public entity" and "public official"; and
- ▶ provides that public officials who violate the act are guilty of a class B misdemeanor.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-1202, as last amended by Chapter 297, Laws of Utah 1996

ENACTS:

20A-11-1204, Utah Code Annotated 1953

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

Section 1. Section **20A-11-1202** is amended to read:

20A-11-1202. Definitions.

As used in this chapter:

(1) "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.

(2) (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.

(3) "Expenditure" means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(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 for political purposes;

(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.

(4) "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.

(5) (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.

(6) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal [~~Co-operation~~] Cooperation Act.

(7) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity and makes expenditures from these contributions to influence, or to intend to influence, directly or indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping a ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any ballot proposition.

(b) "Political issues committee" does not mean an 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.

(8) "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 candidate for public office at any caucus, political convention, primary, or election.

(9) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, special district, [~~and~~] 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, Local Health Departments.

(10) (a) "Public funds" means any monies received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include monies donated to a public entity by a person or entity.

(11) (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.

(12) "Special district" means each entity created under the authority of Title 17A, Special Districts.

(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.

Section 2. Section **20A-11-1204** is enacted to read:

20A-11-1204. Criminal penalty.

Each public official who violates this part is guilty of a class B misdemeanor.