

**CONTRIBUTION LIMITS FOR STATE  
CONSTITUTIONAL OFFICERS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory S. Bell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code to impose a limit on campaign contributions made to the governor, lieutenant governor, state auditor, state treasurer, and attorney general, and on candidates for those offices.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ imposes a limit on campaign contributions made to the governor, lieutenant governor, state auditor, state treasurer, and attorney general, and on candidates for those offices;
- ▶ prohibits a person other than a registered political party from making campaign contributions in excess of \$10,000 during certain periods;
- ▶ defines the application of the limit in circumstances where a candidate for governor elects to run for lieutenant governor; and
- ▶ provides criminal penalties for violation of the act.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



**Utah Code Sections Affected:**

ENACTS:

**20A-16-101**, Utah Code Annotated 1953**20A-16-102**, Utah Code Annotated 1953**20A-16-103**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **20A-16-101** is enacted to read:**CHAPTER 16. LIMITATIONS ON CAMPAIGN CONTRIBUTIONS ACT****20A-16-101. Title.**This chapter is known as the "Limitations on Campaign Contributions Act."Section 2. Section **20A-16-102** is enacted to read:**20A-16-102. Definitions.**As used in this part:(1) "Contribution" has the meaning as defined in Section 20A-11-101.(2) "Person" means both natural and legal persons, including individuals, business organizations, political action committees, political issues committees, labor unions, and labor organizations.(3) "Registered political party" has the meaning as defined in Section 20A-11-101.(4) "State office" means the office of:(a) governor;(b) lieutenant governor;(c) state auditor;(d) state treasurer; or(e) state attorney general.(5) "State officer" means:(a) the governor;(b) the lieutenant governor;(c) the state auditor;(d) the state treasurer; or(e) the state attorney general.

Section 3. Section **20A-16-103** is enacted to read:

**20A-16-103. Limitation on contributions to governor and candidates for governor**

**-- Criminal penalties.**

(1) Subject to Subsection (5), a person may not make a contribution that exceeds \$10,000 or a combination of contributions that exceeds \$10,000 to:

(a) a state officer, during the period beginning on the date that the state officer's term begins and continuing through the earlier of:

(i) midnight on the day that the state officer's term expires; or

(ii) midnight on the day before the state officer files a declaration of candidacy for any state office; or

(b) a candidate for state office, during any of the following periods:

(i) the period beginning on the date that the candidate files a declaration of candidacy and continuing through midnight on the date of the state political convention held by the candidate's registered political party, or midnight on May 15, whichever is earlier;

(ii) the period beginning on the day after the state political convention and continuing through midnight on the date of the regular primary election; and

(iii) the period beginning on the day after the regular primary election and continuing through midnight on the day before the date that the term for the state office sought by the candidate begins.

(2) For the purposes of this section, an incumbent state officer who files a declaration of candidacy for any state office is considered a candidate for state office and is subject to the requirements of Subsection (1)(b).

(3) For the purposes of this section:

(a) a contribution to the governor's, lieutenant governor's, candidate for governor's, or candidate for lieutenant governor's personal campaign committee is considered to have been made to the individual; and

(b) the following individuals are considered a single contribution recipient:

(i) the governor and the lieutenant governor; and

(ii) candidates for the offices of governor and lieutenant governor on the same ticket.

(4) If a candidate for governor changes his candidacy to run as a candidate for lieutenant governor on the same ticket as another candidate for governor, beginning at 12:01

90 a.m. on the date the candidate declares his candidacy for lieutenant governor:

91 (a) previous contributions made to the candidate changing his candidacy shall be  
92 considered to have been made to the candidate for governor on the same ticket for the purposes  
93 of determining whether or not any new contributions to the governor and lieutenant governor  
94 ticket exceed a contribution limit established under Subsection (1); and

95 (b) if a person's previous contributions to both the candidate changing his candidacy  
96 and the candidate for governor on the same ticket exceed the limit for the applicable period  
97 established under Subsection (1) when the contributions are combined under Subsection (4)(a):

98 (i) that person is not in violation of this section for making the previous contributions if  
99 the person's previous contributions to each candidate during the applicable period do not  
100 exceed the individual contribution limit for each candidate; and

101 (ii) that person will be in violation of this section if the person makes additional  
102 contributions during the applicable period.

103 (5) This section does not apply to contributions made by a registered political party to a  
104 state officer, a candidate for state office, or a personal campaign committee of a state officer or  
105 candidate for state office.

106 (6) A person who knowingly or willfully makes a contribution in violation of this  
107 section is guilty of a class B misdemeanor.

108 (7) A person who knowingly or willfully accepts a contribution in violation of this  
109 section is guilty of a class B misdemeanor.

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**Legislative Review Note**  
as of 1-8-07 12:07 PM

**Office of Legislative Research and General Counsel**

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**S.B. 116 - Contribution Limits for State Constitutional Officers**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/23/2007, 9:23:15 AM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**