

1 **FAIR CAMPAIGN PLEDGE AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Eric K. Hutchings**

5 Senate Sponsor: Michael G. Waddoups

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Election Code by amending the voluntary pledge of fair campaign
10 practices for candidates and by adding a voluntary pledge of fair campaign practices for
11 political action committees and political issues committees.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends the voluntary pledge of fair campaign practices by adding a provision
- 15 against using a material misrepresentation in a campaign;
- 16 ▶ provides a voluntary pledge of fair campaign practices for political action
- 17 committees;
- 18 ▶ provides a voluntary pledge of fair campaign practices for political issues
- 19 committees; and
- 20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides an immediate effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **20A-9-206**, as enacted by Laws of Utah 2006, Chapter 226



28 **20A-11-601**, as last amended by Laws of Utah 2006, Chapter 226

29 **20A-11-801**, as last amended by Laws of Utah 2006, Chapter 226

30 ENACTS:

31 **20A-11-604**, Utah Code Annotated 1953

32 **20A-11-804**, Utah Code Annotated 1953



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

35 Section 1. Section **20A-9-206** is amended to read:

36 **20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public**
37 **record -- Retention requirements.**

38 (1) Each person seeking to become a candidate for any elective office that is to be
39 filled at the next election shall be provided with a copy of the pledge of fair campaign
40 practices.

41 (2) The pledge shall be in the following form:

42 "PLEDGE OF FAIR CAMPAIGN PRACTICES

43 There are basic principles of decency, honesty, and fair play which every candidate for
44 public office in the State of Utah has a moral obligation to observe and uphold, in order that,
45 after vigorously contested but fairly conducted campaigns, our citizens may exercise their right
46 to a free election, and that the will of the people may be fully and clearly expressed on the
47 issues.

48 THEREFORE:

49 I SHALL conduct my campaign openly and publicly, discussing the issues as I see
50 them, presenting my record and policies with sincerity and frankness, and criticizing, without
51 fear or favor, the record and policies of my opponents that I believe merit criticism.

52 I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or
53 the candidate's immediate family. I shall not participate in [or], nor shall I permit the use of,
54 defamation, libel, or slander against any candidate or the candidate's immediate family. I shall
55 not use or participate in, nor shall I permit the use of, any material misrepresentation of any
56 fact, policy, position, or record relating to any candidate or to any candidate's immediate
57 family. I shall not participate in, nor shall I permit the use of, any other criticism of any
58 candidate or the candidate's immediate family that I do not believe to be truthful, provable, and

59 relevant to my campaign.

60 I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or
61 undermine our American system of free elections, or that hinders or prevents the free
62 expression of the will of the voters, including practices intended to hinder or prevent any
63 eligible person from registering to vote or voting.

64 I SHALL NOT coerce election help or campaign contributions for myself or for any
65 other candidate from my employees or volunteers.

66 I SHALL immediately and publicly repudiate support deriving from any individual or
67 group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to
68 methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take
69 firm action against any subordinate who violates any provision of this pledge or the laws
70 governing elections.

71 I SHALL defend and uphold the right of every qualified American voter to full and
72 equal participation in the electoral process.

73 I, the undersigned, candidate for election to public office in the State of Utah, hereby
74 voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in
75 accordance with the above principles and practices."

76 Name: _____

77 Signature: _____ Date: _____

78 (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be
79 distributed to persons filing a declaration of candidacy.

80 (4) A pledge that is submitted for filing by a candidate is a public record under Title
81 63, Chapter 2, Government Records Access and Management Act.

82 (5) The filing officer shall:

83 (a) accept all signed pledges that are submitted for filing; and

84 (b) retain each filed pledge for public inspection for 30 calendar days after the election.

85 (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair
86 campaign practices.

87 Section 2. Section **20A-11-601** is amended to read:

88 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
89 **providing false information or accepting unlawful contribution.**

90 (1) (a) Each political action committee shall file a statement of organization with the
91 lieutenant governor's office by January 10 of each year, unless the political action committee
92 has filed a notice of dissolution under Subsection (4).

93 (b) If a political action committee is organized after the January 10 filing date, the
94 political action committee shall file an initial statement of organization no later than seven days
95 after:

96 (i) receiving contributions totaling at least \$750; or

97 (ii) distributing expenditures for political purposes totaling at least \$750.

98 (c) If January 10 falls on a weekend or holiday, the statement of organization shall be
99 filed by the following business day.

100 (2) Each political action committee shall designate two officers that have primary
101 decision-making authority for the political action committee.

102 (3) The statement of organization shall include:

103 (a) the name and address of the political action committee;

104 (b) the name, street address, phone number, occupation, and title of the two primary
105 officers designated under Subsection (2);

106 (c) the name, street address, occupation, and title of all other officers of the political
107 action committee;

108 (d) the name and street address of the organization, individual corporation, association,
109 unit of government, or union that the political action committee represents, if any;

110 (e) the name and street address of all affiliated or connected organizations and their
111 relationships to the political action committee;

112 (f) the name, street address, business address, occupation, and phone number of the
113 committee's treasurer or chief financial officer; ~~and~~

114 (g) the name, street address, and occupation of each member of the governing and
115 advisory boards, if any[-]; ~~and~~

116 (h) a copy of the pledge of fair campaign practices described under Section
117 20A-11-604, with a notice that signing the pledge is voluntary and that a signed pledge may be
118 filed with the lieutenant governor's office.

119 (4) (a) Any registered political action committee that intends to permanently cease
120 operations shall file a notice of dissolution with the lieutenant governor's office.

121 (b) Any notice of dissolution filed by a political action committee does not exempt that
122 political action committee from complying with the financial reporting requirements of this
123 chapter.

124 (5) (a) Unless the political action committee has filed a notice of dissolution under
125 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
126 notice of any change of an officer described in Subsection (2).

127 (b) Notice of a change of a primary officer described in Subsection (2) shall:

128 (i) be filed within ten days of the date of the change; and

129 (ii) contain the name and title of the officer being replaced, and the name, street
130 address, occupation, and title of the new officer.

131 (6) (a) A person is guilty of providing false information in relation to a political action
132 committee if the person intentionally or knowingly gives false or misleading material
133 information in the statement of organization or the notice of change of primary officer.

134 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
135 contribution if the political action committee knowingly or recklessly accepts a contribution
136 from a corporation that:

137 (i) was organized less than 90 days before the date of the general election; and

138 (ii) at the time the political action committee accepts the contribution, has failed to file
139 a statement of organization with the lieutenant governor's office as required by Section
140 20A-11-704.

141 (c) A violation of this Subsection (6) is a third degree felony.

142 Section 3. Section **20A-11-604** is enacted to read:

143 **20A-11-604. Fair campaign practices -- Voluntary pledge -- Pledge is a public**
144 **record -- Retention requirements.**

145 (1) Each political action committee shall be provided with a copy of the pledge of fair
146 campaign practices.

147 (2) The pledge shall be in the following form:

148 "PLEDGE OF FAIR CAMPAIGN PRACTICES

149 There are basic principles of decency, honesty, and fair play which every political
150 action committee (PAC) in the State of Utah has a moral obligation to observe and uphold, in
151 order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise

152 their right to a free election, and that the will of the people may be fully and clearly expressed
153 on the issues.

154 THEREFORE:

155 This PAC SHALL conduct its activities openly and publicly, discussing the issues as
156 seen by the PAC, presenting its positions with sincerity and frankness, and criticizing, without
157 fear or favor, the positions of the PAC's opponents that the PAC believes merit criticism.

158 This PAC SHALL NOT use, nor shall it permit the use of, scurrilous attacks on any
159 candidate or the candidate's immediate family. This PAC shall not participate in, nor shall it
160 permit the use of, defamation, libel, or slander against any candidate or the candidate's
161 immediate family. This PAC shall not use or participate in, nor shall it permit the use of, any
162 material misrepresentation of any fact, policy, position, or record relating to any candidate or to
163 any candidate's immediate family. This PAC shall not participate in, nor shall it permit the use
164 of, any other criticism of any candidate or the candidate's immediate family that it does not
165 believe to be truthful, provable, and relevant to its campaign.

166 This PAC SHALL NOT use, nor shall it permit the use of, any practice that tends to
167 corrupt or undermine our American system of free elections, or that hinders or prevents the free
168 expression of the will of the voters, including practices intended to hinder or prevent any
169 eligible person from registering to vote or voting.

170 This PAC SHALL NOT coerce election help or campaign contributions for itself or for
171 any other candidate or PAC from its employees or volunteers.

172 This PAC SHALL immediately and publicly repudiate support deriving from any
173 individual or group which resorts, on behalf of the PAC or in opposition to that of an opponent,
174 to methods in violation of the letter or spirit of this pledge. This PAC shall accept
175 responsibility to take firm action against any subordinate who violates any provision of this
176 pledge or the laws governing elections.

177 This PAC SHALL defend and uphold the right of every qualified American voter to full
178 and equal participation in the electoral process.

179 We the undersigned, as officers of this PAC, hereby voluntarily endorse, subscribe to,
180 and solemnly pledge that the PAC will conduct itself in accordance with the above principles
181 and practices."

182 Name: _____

183 Signature: _____ Date: _____

184 Name: _____

185 Signature: _____ Date: _____

186 (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be
187 distributed to persons filing a statement of organization for a political action committee.

188 (4) A pledge that is submitted for filing by a political action committee is a public
189 record under Title 63, Chapter 2, Government Records Access and Management Act.

190 (5) The filing officer shall:

191 (a) accept all signed pledges that are submitted for filing; and

192 (b) retain each filed pledge for public inspection for 30 calendar days after the election.

193 (6) A political action committee may not be required to subscribe to, endorse, or sign
194 the pledge of fair campaign practices.

195 Section 4. Section **20A-11-801** is amended to read:

196 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
197 **providing false information or accepting unlawful contribution.**

198 (1) (a) Each political issues committee shall file a statement of organization with the
199 lieutenant governor's office by January 10 of each year, unless the political issues committee
200 has filed a notice of dissolution under Subsection (4).

201 (b) If a political issues committee is organized after the January 10 filing date, the
202 political issues committee shall file an initial statement of organization no later than seven days
203 after:

204 (i) receiving political issues contributions totaling at least \$750; or

205 (ii) disbursing political issues expenditures totaling at least \$50.

206 (c) If January 10 falls on a weekend or holiday, the statement of organization shall be
207 filed by the following business day.

208 (2) Each political issues committee shall designate two officers that have primary
209 decision-making authority for the political issues committee.

210 (3) The statement of organization shall include:

211 (a) the name and street address of the political issues committee;

212 (b) the name, street address, phone number, occupation, and title of the two primary
213 officers designated under Subsection (2);

214 (c) the name, street address, occupation, and title of all other officers of the political
215 issues committee;

216 (d) the name and street address of the organization, individual, corporation,
217 association, unit of government, or union that the political issues committee represents, if any;

218 (e) the name and street address of all affiliated or connected organizations and their
219 relationships to the political issues committee;

220 (f) the name, street address, business address, occupation, and phone number of the
221 committee's treasurer or chief financial officer;

222 (g) the name, street address, and occupation of each member of the supervisory and
223 advisory boards, if any; [~~and~~]

224 (h) the ballot proposition whose outcome they wish to affect, and whether they support
225 or oppose it[-]; and

226 (i) a copy of the pledge of fair campaign practices described under Section
227 20A-11-804, with a notice that signing the pledge is voluntary and that a signed pledge may be
228 filed with the lieutenant governor's office.

229 (4) (a) Any registered political issues committee that intends to permanently cease
230 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
231 office.

232 (b) Any notice of dissolution filed by a political issues committee does not exempt that
233 political issues committee from complying with the financial reporting requirements of this
234 chapter.

235 (5) (a) Unless the political issues committee has filed a notice of dissolution under
236 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
237 notice of any change of an officer described in Subsection (2).

238 (b) Notice of a change of a primary officer described in Subsection (2) shall:

239 (i) be filed within ten days of the date of the change; and

240 (ii) contain the name and title of the officer being replaced and the name, street
241 address, occupation, and title of the new officer.

242 (6) (a) A person is guilty of providing false information in relation to a political issues
243 committee if the person intentionally or knowingly gives false or misleading material
244 information in the statement of organization or the notice of change of primary officer.

245 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
246 contribution if the political issues committee knowingly or recklessly accepts a contribution
247 from a corporation that:

- 248 (i) was organized less than 90 days before the date of the general election; and
- 249 (ii) at the time the political issues committee accepts the contribution, has failed to file
250 a statement of organization with the lieutenant governor's office as required by Section
251 20A-11-704.

252 (c) A violation of this Subsection (6) is a third degree felony.

253 Section 5. Section **20A-11-804** is enacted to read:

254 **20A-11-804. Fair campaign practices -- Voluntary pledge -- Pledge is a public**
255 **record -- Retention requirements.**

256 (1) Each political issues committee shall be provided with a copy of the pledge of fair
257 campaign practices.

258 (2) The pledge shall be in the following form:

259 "PLEDGE OF FAIR CAMPAIGN PRACTICES

260 There are basic principles of decency, honesty, and fair play which every political issues
261 committee (PIC) in the State of Utah has a moral obligation to observe and uphold, in order
262 that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their
263 right to a free election, and that the will of the people may be fully and clearly expressed on the
264 issues.

265 THEREFORE:

266 This PIC SHALL conduct its activities openly and publicly, discussing the issues as
267 seen by the PIC, presenting its positions with sincerity and frankness, and criticizing, without
268 fear or favor, the positions of the PIC's opponents that the PIC believes merit criticism.

269 This PIC SHALL NOT use, nor shall it permit the use of, scurrilous attacks on any PIC
270 opponent. This PIC shall not participate in, nor shall it permit the use of, defamation, libel, or
271 slander against any PIC opponent. This PIC shall not use or participate in, nor shall it permit
272 the use of, any material misrepresentation of any fact, policy, position, or record relating to any
273 PIC opponent. This PIC shall not participate in, nor shall it permit the use of, any other
274 criticism of any PIC opponent that it does not believe to be truthful, provable, and relevant to
275 its campaign.

276 This PIC SHALL NOT use, nor shall it permit the use of, any practice that tends to
277 corrupt or undermine our American system of free elections, or that hinders or prevents the free
278 expression of the will of the voters, including practices intended to hinder or prevent any
279 eligible person from registering to vote or voting.

280 This PIC SHALL NOT coerce election help or contributions for itself or for any other
281 candidate or PIC from its employees or volunteers.

282 This PIC SHALL immediately and publicly repudiate support deriving from any
283 individual or group which resorts, on behalf of the PIC or in opposition to that of an opponent,
284 to methods in violation of the letter or spirit of this pledge. This PIC shall accept responsibility
285 to take firm action against any subordinate who violates any provision of this pledge or the
286 laws governing elections.

287 This PIC SHALL defend and uphold the right of every qualified American voter to full
288 and equal participation in the electoral process.

289 We the undersigned, as officers of this PIC, hereby voluntarily endorse, subscribe to,
290 and solemnly pledge itself to conduct its campaign in accordance with the above principles and
291 practices."

292 Name: _____

293 Signature: _____ Date: _____

294 Name: _____

295 Signature: _____ Date: _____

296 (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be
297 distributed to persons filing a statement of organization for a political issues committee.

298 (4) A pledge that is submitted for filing by a political issues committee is a public
299 record under Title 63, Chapter 2, Government Records Access and Management Act.

300 (5) The filing officer shall:

301 (a) accept all signed pledges that are submitted for filing; and

302 (b) retain each filed pledge for public inspection for 30 calendar days after the election.

303 (6) A political issues committee may not be required to subscribe to, endorse, or sign
304 the pledge of fair campaign practices.

305 **Section 6. Effective date.**

306 If approved by two-thirds of all the members elected to each house, this bill takes effect

307 upon approval by the governor, or the day following the constitutional time limit of Utah
308 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
309 the date of veto override.

Legislative Review Note
as of 2-11-08 1:28 PM

Office of Legislative Research and General Counsel

H.B. 456 - Fair Campaign Pledge Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
