

- 30 ▶ amends provisions of the Lobbyist Disclosure and Regulation Act by:
- 31 • increasing the license fee by \$10;
- 32 • requiring a lobbyist to, while engaging in lobbying at the capitol hill complex,
- 33 wear a name tag, issued by the lieutenant governor, that identifies the lobbyist as
- 34 a lobbyist;
- 35 • requiring a lobbyist to, at the beginning of making a communication to a public
- 36 official that constitutes lobbying, inform the public official of the identity of the
- 37 principal on whose behalf the lobbyist is lobbying; and
- 38 • modifying penalty provisions; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 This bill provides an immediate effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **20A-11-103**, as last amended by Laws of Utah 2012, Chapter 369
- 47 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230
- 48 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230
- 49 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230
- 50 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396
- 51 **36-11-102**, as last amended by Laws of Utah 2011, Chapter 212
- 52 **36-11-103**, as last amended by Laws of Utah 2010, Chapter 325
- 53 **36-11-401**, as last amended by Laws of Utah 2011, Chapter 389

54 ENACTS:

- 55 **20A-11-1604**, Utah Code Annotated 1953
- 56 **36-11-305.5**, Utah Code Annotated 1953

57

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

59 Section 1. Section **20A-11-103** is amended to read:

60 **20A-11-103. Notice of pending interim and summary reports -- Form of**
61 **submission -- Public availability -- Notice of reporting and filing requirements.**

62 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
63 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
64 the chief election officer shall inform the filing entity by postal mail or, if requested by the
65 filing entity, by electronic mail:

- 66 (i) that the financial statement is due;
- 67 (ii) of the date that the financial statement is due; and
- 68 (iii) of the penalty for failing to file the financial statement.

69 (b) The chief election officer is not required to provide notice:

- 70 (i) to a candidate or political party of the financial statement that is due before the
71 candidate's or political party's political convention;

72 (ii) of a financial statement due in connection with a public hearing for an initiative
73 under the requirements of Section [20A-7-204.1](#); or

74 (iii) to a corporation or labor organization, as defined in Section [20A-11-1501](#).

75 (2) A filing entity shall electronically file a financial statement via electronic mail or
76 the Internet according to specifications established by the chief election officer.

77 (3) (a) A financial statement is considered timely filed if it is received by the chief
78 election officer's office before the close of regular office hours on the date that it is due.

79 (b) A chief election officer may extend the time in which a filing entity is required to
80 file a financial statement if a filing entity notifies the chief election officer of the existence of
81 an extenuating circumstance that is outside the control of the filing entity.

82 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
83 Access and Management Act, the lieutenant governor shall:

84 (a) make each campaign finance statement filed by a candidate available for public
85 inspection and copying no later than one business day after the statement is filed; and

86 (b) post an electronic copy or the contents of each financial statement in a searchable
87 format on a website established by the lieutenant governor:

88 (i) for campaign finance statements submitted to the lieutenant governor under the
89 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
90 the date of receipt of the campaign finance statement; or

91 (ii) for a summary report or interim report filed under the requirements of this chapter
92 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
93 date the summary report or interim report is electronically filed.

94 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
95 elects to provide campaign finance disclosure on its own website, rather than through the
96 lieutenant governor, the website established by the lieutenant governor shall contain a link or
97 other access point to the municipality or county website.

98 (6) Between January 1 and January 15 of each year, the chief election officer shall
99 provide notice, by postal mail or email, to each filing entity for which the chief election officer
100 has a physical or email address, of the reporting and filing requirements described in this
101 chapter.

102 Section 2. Section 20A-11-201 is amended to read:

103 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
104 **-- No personal use -- Contribution reporting deadline -- Report other accounts.**

105 (1) (a) Each state office candidate or the candidate's personal campaign committee
106 shall deposit each contribution and public service assistance received in one or more separate
107 campaign accounts in a financial institution.

108 (b) A state office candidate or a candidate's personal campaign committee may not use
109 money deposited in a campaign account for:

- 110 (i) a personal use expenditure; or
- 111 (ii) an expenditure prohibited by law.

112 (2) A state office candidate or the candidate's personal campaign committee may not
113 deposit or mingle any contributions received into a personal or business account.

114 (3) If a person who is no longer a state office candidate chooses not to expend the
115 money remaining in a campaign account, the person shall continue to file the year-end
116 summary report required by Section 20A-11-203 until the statement of dissolution and final
117 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

118 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
119 is no longer a state office candidate may not expend or transfer the money in a campaign
120 account in a manner that would cause the former state office candidate to recognize the money
121 as taxable income under federal tax law.

122 (b) A person who is no longer a state office candidate may transfer the money in a
123 campaign account in a manner that would cause the former state office candidate to recognize
124 the money as taxable income under federal tax law if the transfer is made to a campaign
125 account for federal office.

126 (5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

127 (i) for a cash contribution, that the cash is given to a state office candidate or a member
128 of the candidate's personal campaign committee;

129 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
130 instrument or check is negotiated; and

131 (iii) for any other type of contribution, that any portion of the contribution's benefit
132 inures to the state office candidate.

133 (b) Each state office candidate shall report to the lieutenant governor each contribution
134 and public service assistance ~~[to the lieutenant governor]~~ received by the state office candidate:

135 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
136 the contribution or public service assistance is received[-]; or

137 (ii) within three business days after the day on which the contribution or public service
138 assistance is received, if:

139 (A) the state office candidate is contested in a convention and the contribution or
140 public service assistance is received within 30 days before the day on which the convention is
141 held;

142 (B) the state office candidate is contested in a primary election and the contribution or
143 public service assistance is received within 30 days before the day on which the primary
144 election is held; or

145 (C) the state office candidate is contested in a general election and the contribution or
146 public service assistance is received within 30 days before the day on which the general
147 election is held.

148 (c) Except as provided in Subsection (5)(d), for each contribution or provision of
149 public service assistance that a state office candidate fails to report within the time period
150 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state
151 office candidate in an amount equal to:

152 (i) the greater of \$50 or 15% of the amount of the contribution; or

153 (ii) the greater of \$50 or 15% of the value of the public service assistance.

154 (d) A fine described in Subsection (5)(c) may not exceed the amount of the
155 contribution or the value of the public service assistance to which the fine relates.

156 (e) The lieutenant governor shall:

157 (i) deposit money received under Subsection (5)(c) into the General Fund; and

158 (ii) report on the lieutenant governor's website, in the location where reports relating to
159 each state office candidate are available for public access:

160 (A) each fine imposed by the lieutenant governor against the state office candidate;

161 (B) the amount of the fine;

162 (C) the amount of the contribution to which the fine relates; and

163 (D) the date of the contribution.

164 (6) (a) As used in this Subsection (6), "account" means an account in a financial
165 institution:

166 (i) that is not described in Subsection (1)(a); and

167 (ii) into which or from which a person who, as a candidate for an office, other than the
168 state office for which the person files a declaration of candidacy or federal office, or as a holder
169 of an office, other than a state office for which the person files a declaration of candidacy or

170 federal office, deposits a contribution or makes an expenditure.

171 (b) A state office candidate shall include on any financial statement filed in accordance
172 with this part:

173 (i) a contribution deposited in an account:

174 (A) since the last campaign finance statement was filed; or

175 (B) that has not been reported under a statute or ordinance that governs the account; or

176 (ii) an expenditure made from an account:

177 (A) since the last campaign finance statement was filed; or

178 (B) that has not been reported under a statute or ordinance that governs the account.

179 Section 3. Section **20A-11-301** is amended to read:

180 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
181 **Candidate as a political action committee officer -- No personal use -- Contribution**
182 **reporting deadline -- Report other accounts.**

183 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public
184 service assistance received in one or more separate accounts in a financial institution that are
185 dedicated only to that purpose.

186 (ii) A legislative office candidate may:

187 (A) receive a contribution or public service assistance from a political action
188 committee registered under Section [20A-11-601](#); and

189 (B) be designated by a political action committee as an officer who has primary
190 decision-making authority as described in Section [20A-11-601](#).

191 (b) A legislative office candidate or the candidate's personal campaign committee may
192 not use money deposited in an account described in Subsection (1)(a)(i) for:

193 (i) a personal use expenditure; or

194 (ii) an expenditure prohibited by law.

195 (2) A legislative office candidate may not deposit or mingle any contributions or public
196 service assistance received into a personal or business account.

197 (3) If a person who is no longer a legislative candidate chooses not to expend the

198 money remaining in a campaign account, the person shall continue to file the year-end
199 summary report required by Section 20A-11-302 until the statement of dissolution and final
200 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

201 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
202 is no longer a legislative office candidate may not expend or transfer the money in a campaign
203 account in a manner that would cause the former legislative office candidate to recognize the
204 money as taxable income under federal tax law.

205 (b) A person who is no longer a legislative office candidate may transfer the money in
206 a campaign account in a manner that would cause the former legislative office candidate to
207 recognize the money as taxable income under federal tax law if the transfer is made to a
208 campaign account for federal office.

209 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

210 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
211 member of the candidate's personal campaign committee;

212 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
213 instrument or check is negotiated; and

214 (iii) for any other type of contribution, that any portion of the contribution's benefit
215 inures to the legislative office candidate.

216 (b) Each legislative office candidate shall report to the lieutenant governor each
217 contribution and public service assistance [~~to the lieutenant governor~~] received by the
218 legislative office candidate:

219 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
220 the contribution or public service assistance is received[-]; or

221 (ii) within three business days after the day on which the contribution or public service
222 assistance is received, if:

223 (A) the legislative office candidate is contested in a convention and the contribution or
224 public service assistance is received within 30 days before the day on which the convention is
225 held;

226 (B) the legislative office candidate is contested in a primary election and the
227 contribution or public service assistance is received within 30 days before the day on which the
228 primary election is held; or

229 (C) the legislative office candidate is contested in a general election and the
230 contribution or public service assistance is received within 30 days before the day on which the
231 general election is held.

232 (c) Except as provided in Subsection (5)(d), for each contribution or provision of
233 public service assistance that a legislative office candidate fails to report within the time period
234 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the
235 legislative office candidate in an amount equal to:

236 (i) the greater of \$50 or 15% of the amount of the contribution; or

237 (ii) the greater of \$50 or 15% of the value of the public service assistance.

238 (d) A fine described in Subsection (5)(c) may not exceed the amount of the
239 contribution or the value of the public service assistance to which the fine relates.

240 (e) The lieutenant governor shall:

241 (i) deposit money received under Subsection (5)(c) into the General Fund; and

242 (ii) report on the lieutenant governor's website, in the location where reports relating to
243 each legislative office candidate are available for public access;

244 (A) each fine imposed by the lieutenant governor against the legislative office
245 candidate;

246 (B) the amount of the fine;

247 (C) the amount of the contribution to which the fine relates; and

248 (D) the date of the contribution.

249 (6) (a) As used in this Subsection (6), "account" means an account in a financial
250 institution:

251 (i) that is not described in Subsection (1)(a)(i); and

252 (ii) into which or from which a person who, as a candidate for an office, other than a
253 legislative office for which the person files a declaration of candidacy or federal office, or as a

254 holder of an office, other than a legislative office for which the person files a declaration of
255 candidacy or federal office, deposits a contribution or makes an expenditure.

256 (b) A legislative office candidate shall include on any financial statement filed in
257 accordance with this part:

258 (i) a contribution deposited in an account:

259 (A) since the last campaign finance statement was filed; or

260 (B) that has not been reported under a statute or ordinance that governs the account; or

261 (ii) an expenditure made from an account:

262 (A) since the last campaign finance statement was filed; or

263 (B) that has not been reported under a statute or ordinance that governs the account.

264 Section 4. Section **20A-11-1301** is amended to read:

265 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
266 **Candidate as a political action committee officer -- No personal use -- Contribution**
267 **reporting deadline -- Report other accounts.**

268 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
269 service assistance received in one or more separate accounts in a financial institution that are
270 dedicated only to that purpose.

271 (ii) A school board office candidate may:

272 (A) receive a contribution or public service assistance from a political action
273 committee registered under Section [20A-11-601](#); and

274 (B) be designated by a political action committee as an officer who has primary
275 decision-making authority as described in Section [20A-11-601](#).

276 (b) A school board office candidate may not use money deposited in an account
277 described in Subsection (1)(a)(i) for:

278 (i) a personal use expenditure; or

279 (ii) an expenditure prohibited by law.

280 (2) A school board office candidate may not deposit or mingle any contributions or
281 public service assistance received into a personal or business account.

282 (3) A school board office candidate may not make any political expenditures prohibited
283 by law.

284 (4) If a person who is no longer a school board candidate chooses not to expend the
285 money remaining in a campaign account, the person shall continue to file the year-end
286 summary report required by Section 20A-11-1302 until the statement of dissolution and final
287 summary report required by Section 20A-11-1304 are filed with:

288 (a) the lieutenant governor in the case of a state school board candidate; and

289 (b) the county clerk, in the case of a local school board candidate.

290 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
291 is no longer a school board candidate may not expend or transfer the money in a campaign
292 account in a manner that would cause the former school board candidate to recognize the
293 money as taxable income under federal tax law.

294 (b) A person who is no longer a school board candidate may transfer the money in a
295 campaign account in a manner that would cause the former school board candidate to recognize
296 the money as taxable income under federal tax law if the transfer is made to a campaign
297 account for federal office.

298 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

299 (i) for a cash contribution, that the cash is given to a school board office candidate or a
300 member of the candidate's personal campaign committee;

301 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
302 instrument or check is negotiated; and

303 (iii) for any other type of contribution, that any portion of the contribution's benefit
304 inures to the school board office candidate.

305 (b) Each school board office candidate shall report to the chief election officer each
306 contribution and public service assistance received by the school board office candidate:

307 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
308 the contribution or public service assistance is received[-]; or

309 (ii) within three business days after the day on which the contribution or public service

310 assistance is received, if:

311 (A) the school board office candidate is contested in a primary election and the
312 contribution or public service assistance is received within 30 days before the day on which the
313 primary election is held; or

314 (B) the school board office candidate is contested in a general election and the
315 contribution or public service assistance is received within 30 days before the day on which the
316 general election is held.

317 (c) Except as provided in Subsection (6)(d), for each contribution or provision of
318 public service assistance that a school board office candidate fails to report within the time
319 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
320 school board office candidate in an amount equal to:

321 (i) the greater of \$50 or 15% of the amount of the contribution; or
322 (ii) the greater of \$50 or 15% of the value of the public service assistance.

323 (d) A fine described in Subsection (6)(c) may not exceed the amount of the
324 contribution or the value of the public service assistance to which the fine relates.

325 (e) The chief election officer shall:

326 (i) deposit money received under Subsection (6)(c) into the General Fund; and
327 (ii) report on the chief election officer's website, in the location where reports relating
328 to each school board office candidate are available for public access:

329 (A) each fine imposed by the chief election officer against the school board office
330 candidate;

331 (B) the amount of the fine;

332 (C) the amount of the contribution to which the fine relates; and

333 (D) the date of the contribution.

334 (7) (a) As used in this Subsection (7), "account" means an account in a financial
335 institution:

336 (i) that is not described in Subsection (1)(a)(i); and

337 (ii) into which or from which a person who, as a candidate for an office, other than a

338 school board office for which the person files a declaration of candidacy or federal office, or as
339 a holder of an office, other than a school board office for which the person files a declaration of
340 candidacy or federal office, deposits a contribution or makes an expenditure.

341 (b) A school board office candidate shall include on any financial statement filed in
342 accordance with this part:

343 (i) a contribution deposited in an account:

344 (A) since the last campaign finance statement was filed; or

345 (B) that has not been reported under a statute or ordinance that governs the account; or

346 (ii) an expenditure made from an account:

347 (A) since the last campaign finance statement was filed; or

348 (B) that has not been reported under a statute or ordinance that governs the account.

349 Section 5. Section **20A-11-1604** is enacted to read:

350 **20A-11-1604. Link to financial reports on Legislature's website.**

351 The Legislature's website shall include, for each legislative officeholder, a link to the
352 financial reports maintained on the lieutenant governor's website in relation to that legislative
353 officeholder.

354 Section 6. Section **20A-12-303** is amended to read:

355 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

356 (1) The judge or the judge's personal campaign committee shall deposit each
357 contribution in one or more separate personal campaign accounts in a financial institution.

358 (2) The judge or the judge's personal campaign committee may not deposit or mingle
359 any contributions received into a personal or business account.

360 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

361 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
362 campaign committee;

363 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
364 instrument or check is negotiated; and

365 (iii) for any other type of contribution, that any portion of the contribution's benefit

366 inures to the judge.

367 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
368 governor each contribution received by the judge, within 30 days after the day on which the
369 contribution is received.

370 (c) Except as provided in Subsection (3)(d), for each contribution that a judge fails to
371 report within the time period described in Subsection (3)(b), the lieutenant governor shall
372 impose a fine against the judge in an amount equal to the greater of \$50 or 15% of the amount
373 of the contribution.

374 (d) A fine described in Subsection (3)(c) may not exceed the amount of the
375 contribution to which the fine relates.

376 (e) The lieutenant governor shall:

377 (i) deposit money received under Subsection (3)(c) into the General Fund; and

378 (ii) report on the lieutenant governor's website, in the location where reports relating to
379 each judge are available for public access:

380 (A) each fine imposed by the lieutenant governor against the judge;

381 (B) the amount of the fine;

382 (C) the amount of the contribution to which the fine relates; and

383 (D) the date of the contribution.

384 Section 7. Section **36-11-102** is amended to read:

385 **36-11-102. Definitions.**

386 As used in this chapter:

387 (1) "Aggregate daily expenditures" means:

388 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
389 made within a calendar day by the lobbyist, principal, or government officer for the benefit of
390 an individual public official;

391 (b) for an expenditure made by a member of a lobbyist group, the total of all
392 expenditures made within a calendar day by every member of the lobbyist group for the benefit
393 of an individual public official; or

394 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
395 lobbyist within a calendar day for the benefit of an individual public official, regardless of
396 whether the expenditures were attributed to different clients.

397 (2) "Approved meeting or activity" means a meeting or activity:

398 (a) (i) to which a legislator is invited; and

399 (ii) attendance at which is approved by:

400 (A) the speaker of the House of Representatives, if the public official is a member of
401 the House of Representatives; or

402 (B) the president of the Senate, if the public official is a member of the Senate; or

403 (b) (i) to which a public official who holds a position in the executive branch of state
404 government is invited; and

405 (ii) attendance at which is approved by the governor or the lieutenant governor.

406 (3) "Capitol hill complex" is as defined in Section [63C-9-102](#).

407 [~~3~~] (4) (a) "Compensation" means anything of economic value, however designated,
408 that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of
409 services or ownership before any withholding required by federal or state law.

410 (b) "Compensation" includes:

411 (i) a salary or commission;

412 (ii) a bonus;

413 (iii) a benefit;

414 (iv) a contribution to a retirement program or account;

415 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
416 Code, and subject to Social Security deductions, including a payment in excess of the
417 maximum amount subject to deduction under Social Security law;

418 (vi) an amount that the individual authorizes to be deducted or reduced for salary
419 deferral or other benefits authorized by federal law; or

420 (vii) income based on an individual's ownership interest.

421 [~~4~~] (5) "Compensation payor" means a person who pays compensation to a public

422 official in the ordinary course of business:

423 (a) because of the public official's ownership interest in the compensation payor; or

424 (b) for services rendered by the public official on behalf of the compensation payor.

425 [~~5~~] (6) "Executive action" means:

426 (a) a nomination or appointment by the governor;

427 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule

428 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

429 (c) agency ratemaking proceedings; or

430 (d) an adjudicative proceeding of a state agency.

431 [~~6~~] (7) (a) "Expenditure" means any of the items listed in this Subsection [~~6~~] (7)(a)

432 when given to or for the benefit of a public official unless consideration of equal or greater

433 value is received:

434 (i) a purchase, payment, or distribution;

435 (ii) a loan, gift, or advance;

436 (iii) a deposit, subscription, or forbearance;

437 (iv) services or goods;

438 (v) money;

439 (vi) real property;

440 (vii) a ticket or admission to a sporting, recreational, or artistic event; or

441 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide

442 any item listed in Subsections [~~6~~] (7)(a)(i) through (vii).

443 (b) "Expenditure" does not mean:

444 (i) a commercially reasonable loan made in the ordinary course of business;

445 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,

446 Campaign and Financial Reporting Requirements;

447 (iii) printed informational material that is related to the performance of the recipient's

448 official duties;

449 (iv) a devise or inheritance;

- 450 (v) any item listed in Subsection [~~(6)~~] (7)(a) if:
- 451 (A) given by a relative;
- 452 (B) given by a compensation payor for a purpose solely unrelated to the public
- 453 official's position as a public official; or
- 454 (C) (I) the item has a value of less than \$10; and
- 455 (II) the aggregate daily expenditures do not exceed \$10;
- 456 (vi) food or beverage that is provided at an event to which the following are invited:
- 457 (A) all members of the Legislature;
- 458 (B) all members of a standing or interim committee;
- 459 (C) all members of an official legislative task force;
- 460 (D) all members of a party caucus; or
- 461 (E) all members of a group described in Subsections [~~(6)~~] (7)(b)(vi)(A) through (D)
- 462 who are attending a meeting of a national organization whose primary purpose is addressing
- 463 general legislative policy;
- 464 (vii) food or beverage that is provided at an event to a public official who is:
- 465 (A) giving a speech at the event;
- 466 (B) participating in a panel discussion at the event; or
- 467 (C) presenting or receiving an award at the event;
- 468 (viii) a plaque, commendation, or award presented in public and having a cash value
- 469 not exceeding \$50;
- 470 (ix) admission to or attendance at an event, the primary purpose of which is:
- 471 (A) to solicit contributions reportable under:
- 472 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
- 473 (II) 2 U.S.C. Sec. 434; or
- 474 (B) charitable solicitation, as defined in Section 13-22-2;
- 475 (x) travel to, lodging at, food or beverage served at, and admission to an approved
- 476 meeting or activity;
- 477 (xi) sponsorship of an official event or official entertainment of an approved meeting

478 or activity;

479 (xii) notwithstanding Subsection [~~(6)~~] (7)(a)(vii), admission to or attendance at an
480 event:

481 (A) that is sponsored by a governmental entity; or

482 (B) that is widely attended and related to a governmental duty of a public official; or

483 (xiii) travel to a widely attended event related to a governmental duty of a public
484 official if that travel results in a financial savings to the state.

485 [~~(7)~~] (8) (a) "Government officer" means:

486 (i) an individual elected to a position in state or local government, when acting within
487 the government officer's official capacity; or

488 (ii) an individual appointed to or employed in a full-time position by state or local
489 government, when acting within the scope of the individual's employment.

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

492 [~~(8)~~] (9) "Immediate family" means:

493 (a) a spouse;

494 (b) a child residing in the household; or

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

496 [~~(9)~~] (10) "Legislative action" means:

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

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

500 [~~(10)~~] (11) "Lobbying" means communicating with a public official for the purpose of
501 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

502 [~~(11)~~] (12) (a) "Lobbyist" means:

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

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

- 506 (b) "Lobbyist" does not include:
- 507 (i) a government officer;
- 508 (ii) a member or employee of the legislative branch of state government;
- 509 (iii) a person while appearing at, or providing written comments to, a hearing
- 510 conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or
- 511 Title 63G, Chapter 4, Administrative Procedures Act;
- 512 (iv) a person participating on or appearing before an advisory or study task force,
- 513 commission, board, or committee, constituted by the Legislature or any agency or department
- 514 of state government, except legislative standing, appropriation, or interim committees;
- 515 (v) a representative of a political party;
- 516 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 517 the right to practice the religious doctrines of the church, unless the individual or church makes
- 518 an expenditure that confers a benefit on a public official;
- 519 (vii) a newspaper, television station or network, radio station or network, periodical of
- 520 general circulation, or book publisher for the purpose of publishing news items, editorials,
- 521 other comments, or paid advertisements that directly or indirectly urge legislative or executive
- 522 action; or
- 523 (viii) an individual who appears on the individual's own behalf before a committee of
- 524 the Legislature or an agency of the executive branch of state government solely for the purpose
- 525 of testifying in support of or in opposition to legislative or executive action.
- 526 ~~[(12)]~~ (13) "Lobbyist group" means two or more lobbyists, principals, government
- 527 officers, or any combination of lobbyists, principals, and officers who each contribute a portion
- 528 of an expenditure made to benefit a public official or member of the public official's immediate
- 529 family.
- 530 ~~[(13)]~~ (14) "Multiclient lobbyist" means a single lobbyist, principal, or government
- 531 officer who represents two or more clients and divides the aggregate daily expenditure made to
- 532 benefit a public official or member of the public official's immediate family between two or
- 533 more of those clients.

534 [~~(14)~~] (15) "Principal" means a person that employs an individual to perform lobbying,
535 either as an employee or as an independent contractor.

536 [~~(15)~~] (16) "Public official" means:

537 (a) (i) a member of the Legislature;

538 (ii) an individual elected to a position in the executive branch of state government; or

539 (iii) an individual appointed to or employed in a position in the executive or legislative
540 branch of state government if that individual:

541 (A) occupies a policymaking position or makes purchasing or contracting decisions;

542 (B) drafts legislation or makes rules;

543 (C) determines rates or fees; or

544 (D) makes adjudicative decisions; or

545 (b) an immediate family member of a person described in Subsection [~~(15)~~] (16)(a).

546 [~~(16)~~] (17) "Public official type" means a notation to identify whether a public official
547 is:

548 (a) (i) a member of the Legislature;

549 (ii) an individual elected to a position in the executive branch of state government;

550 (iii) an individual appointed to or employed in a position in the legislative branch of
551 state government who meets the definition of public official under Subsection [~~(15)~~]

552 (16)(a)(iii); or

553 (iv) an individual appointed to or employed in a position in the executive branch of
554 state government who meets the definition of public official under Subsection [~~(15)~~]

555 (16)(a)(iii); or

556 (b) an immediate family member of a person described in Subsection [~~(15)~~]~~(b)~~ (16)(a).

557 [~~(17)~~] (18) "Quarterly reporting period" means the three-month period covered by each
558 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

559 [~~(18)~~] (19) "Related person" means a person, agent, or employee who knowingly and
560 intentionally assists a lobbyist, principal, or government officer in lobbying.

561 [~~(19)~~] (20) "Relative" means a spouse, child, parent, grandparent, grandchild, brother,

562 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or
563 spouse of any of these individuals.

564 Section 8. Section **36-11-103** is amended to read:

565 **36-11-103. Licensing requirements.**

566 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
567 lieutenant governor by completing the form required by this section.

568 (b) The lieutenant governor shall issue licenses to qualified lobbyists.

569 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
570 includes:

571 (i) a place for the lobbyist's name and business address;

572 (ii) a place for the following information for each principal for whom the lobbyist
573 works or is hired as an independent contractor:

574 (A) the principal's name;

575 (B) the principal's business address;

576 (C) the name of each public official that the principal employs and the nature of the
577 employment with the public official; and

578 (D) the general purposes, interests, and nature of the principal;

579 (iii) a place for the name and address of the person who paid or will pay the lobbyist's
580 registration fee, if the fee is not paid by the lobbyist;

581 (iv) a place for the lobbyist to disclose:

582 (A) any elected or appointed position that the lobbyist holds in state or local
583 government, if any; and

584 (B) the name of each public official that the lobbyist employs and the nature of the
585 employment with the public official, if any;

586 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
587 will be reimbursed; and

588 (vi) a certification to be signed by the lobbyist that certifies that the information
589 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and

590 belief.

591 (2) Each lobbyist who obtains a license under this section shall update the licensure
592 information when the lobbyist accepts employment for lobbying by a new client.

593 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
594 lobbying license to an applicant who:

595 (i) files an application with the lieutenant governor that contains the information
596 required by this section; and

597 (ii) pays a [~~\$100~~] \$110 filing fee.

598 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
599 and expires on December 31 of each even-numbered year.

600 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:

601 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
602 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

603 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
604 within one year before the date of the lobbying license application;

605 (iii) for the term of any suspension imposed under Section 36-11-401;

606 (iv) if, within one year before the date of the lobbying license application, the applicant
607 has been found to have willingly and knowingly:

608 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
609 36-11-304, 36-11-305, or 36-11-403; or

610 (B) filed a document required by this chapter that the lobbyist knew contained
611 materially false information or omitted material information; or

612 (v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24,
613 Lobbying Restrictions Act.

614 (b) An applicant may appeal the disapproval in accordance with the procedures
615 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,
616 Administrative Procedures Act.

617 (5) The lieutenant governor shall:

- 618 (a) deposit \$100 of each license [fees in] fee into the General Fund[-]; and
- 619 (b) deposit \$10 of each license fee into the General Fund as a dedicated credit to be
- 620 used by the lieutenant governor to pay the cost of administering the license program described
- 621 in this section.

622 (6) A principal need not obtain a license under this section, but if the principal makes
623 expenditures to benefit a public official without using a lobbyist as an agent to confer those
624 benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

625 (7) Government officers need not obtain a license under this section, but shall disclose
626 any expenditures made to benefit public officials as required by Section 36-11-201.

627 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the
628 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the
629 reports by Section 36-11-201.

630 Section 9. Section 36-11-305.5 is enacted to read:

631 **36-11-305.5. Lobbyist requirements.**

632 (1) The lieutenant governor shall issue to each lobbyist a name tag that includes:

- 633 (a) the word "Lobbyist" in at least 18-point type; and
- 634 (b) the first and last name of the lobbyist, in at least 18-point type.

635 (2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the
636 lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in
637 Subsection (1) in plain view.

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

641 Section 10. Section 36-11-401 is amended to read:

642 **36-11-401. Penalties.**

643 (1) Any person who [~~willfully and knowingly~~] intentionally violates Section
644 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, 36-11-308, or
645 36-11-403, is subject to the following penalties:

646 (a) an administrative penalty of up to \$1,000 for each violation; and
647 (b) for each subsequent violation of that same section within 24 months, either:
648 (i) an administrative penalty of up to \$5,000; or
649 (ii) suspension of the violator's lobbying license for up to one year, if the person is a
650 lobbyist.

651 (2) Any person who [~~willfully and knowingly~~] intentionally fails to file a financial
652 report required by this chapter, omits material information from a license application form or
653 financial report, or files false information on a license application form or financial report, is
654 subject to the following penalties:

655 (a) an administrative penalty of up to \$1,000 for each violation; or
656 (b) suspension of the violator's lobbying license for up to one year, if the person is a
657 lobbyist.

658 (3) Any person who [~~willfully and knowingly~~] intentionally fails to file a financial
659 report required by this chapter on the date that it is due shall, in addition to the penalties, if any,
660 imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the
661 report is late.

662 (4) (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108,
663 or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years
664 from the date of the conviction.

665 (b) When a lobbyist is convicted of violating Section 76-8-104 or 76-8-304, the
666 lieutenant governor shall suspend a lobbyist's license for up to one year from the date of
667 conviction.

668 (5) (a) Any person who [~~willfully and knowingly~~] intentionally violates Section
669 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.

670 (b) The lieutenant governor shall suspend the lobbyist license of any person convicted
671 under any of these sections for up to one year.

672 (c) The suspension shall be in addition to any administrative penalties imposed by the
673 lieutenant governor under this section.

674 (d) Any person with evidence of a possible violation of this chapter may submit that
675 evidence to the lieutenant governor for investigation and resolution.

676 (6) A lobbyist who does not complete the training required by Section 36-11-307 is
677 subject to the following penalties:

678 (a) an administrative penalty of up to \$1,000 for each failure to complete the training
679 required by Section 36-11-307; and

680 (b) for two or more failures to complete the training required by Section 36-11-307
681 within 24 months, suspension of the lobbyist's lobbying license.

682 (7) Nothing in this chapter creates a third-party cause of action or appeal rights.

683 Section 11. **Effective date.**

684 If approved by two-thirds of all the members elected to each house, this bill takes effect
685 upon approval by the governor, or the day following the constitutional time limit of Utah
686 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
687 the date of veto override.