

**CAMPAIGN FINANCE AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, by establishing and enforcing contribution limits.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes contribution limits;
- ▶ makes it a class A misdemeanor to violate the contribution limits described in this bill; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-11-101**, as last amended by Laws of Utah 2013, Chapters 86, 170, 318, and 420

ENACTS:

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

**20A-11-705**, Utah Code Annotated 1953



- 28            **20A-11-1504**, Utah Code Annotated 1953
- 29            **20A-11-1701**, Utah Code Annotated 1953
- 30            **20A-11-1702**, Utah Code Annotated 1953
- 31            **20A-11-1703**, Utah Code Annotated 1953
- 32            **20A-11-1704**, Utah Code Annotated 1953



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

35            Section 1. Section **20A-11-101** is amended to read:

36            **20A-11-101. Definitions.**

37            As used in this chapter:

38            (1) "Address" means the number and street where an individual resides or where a  
39 reporting entity has its principal office.

40            (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
41 amendments, and any other ballot propositions submitted to the voters that are authorized by  
42 the Utah Code [~~Annotated 1953~~].

43            (3) "Candidate" means any person who:

44            (a) files a declaration of candidacy for a public office; or

45            (b) receives contributions, makes expenditures, or gives consent for any other person to  
46 receive contributions or make expenditures to bring about the person's nomination or election  
47 to a public office.

48            (4) "Cash" means currency or coinage that constitutes legal tender.

49            [~~(4)~~] (5) "Chief election officer" means:

50            (a) the lieutenant governor for state office candidates, legislative office candidates,  
51 officeholders, political parties, political action committees, corporations, political issues  
52 committees, state school board candidates, judges, and labor organizations, as defined in  
53 Section **20A-11-1501**; and

54            (b) the county clerk for local school board candidates.

55            [~~(5)~~] (6) (a) "Contribution" means any of the following when done for political  
56 purposes:

57            (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
58 value given to the filing entity;

59 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
60 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
61 anything of value to the filing entity;

62 (iii) any transfer of funds from another reporting entity to the filing entity;

63 (iv) compensation paid by any person or reporting entity other than the filing entity for  
64 personal services provided without charge to the filing entity;

65 (v) remuneration from:

66 (A) any organization or its directly affiliated organization that has a registered lobbyist;

67 or

68 (B) any agency or subdivision of the state, including school districts; and

69 (vi) goods or services provided to or for the benefit of the filing entity at less than fair  
70 market value.

71 (b) "Contribution" does not include:

72 (i) services provided without compensation by individuals volunteering a portion or all  
73 of their time on behalf of the filing entity;

74 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
75 business; or

76 (iii) goods or services provided for the benefit of a candidate or political party at less  
77 than fair market value that are not authorized by or coordinated with the candidate or political  
78 party.

79 (7) "Contribution cycle" means a two-year period that:

80 (a) begins on January 1 of each odd-numbered year; and

81 (b) ends on December 31 of the even-numbered year immediately following the  
82 odd-numbered year described in Subsection (7)(a).

83 ~~[(6)]~~ (8) "Coordinated with" means that goods or services provided for the benefit of a  
84 candidate or political party are provided:

85 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
86 party does not object;

87 (b) by agreement with the candidate or political party;

88 (c) in coordination with the candidate or political party; or

89 (d) using official logos, slogans, and similar elements belonging to a candidate or

90 political party.

91 ~~[(7)]~~ (9) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
92 organization that is registered as a corporation or is authorized to do business in a state and  
93 makes any expenditure from corporate funds for:

- 94 (i) the purpose of expressly advocating for political purposes; or
- 95 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
96 proposition.

97 (b) "Corporation" does not mean:

- 98 (i) a business organization's political action committee or political issues committee; or
- 99 (ii) a business entity organized as a partnership or a sole proprietorship.

100 ~~[(8)]~~ (10) "County political party" means, for each registered political party, all of the  
101 persons within a single county who, under definitions established by the political party, are  
102 members of the registered political party.

103 ~~[(9)]~~ (11) "County political party officer" means a person whose name is required to be  
104 submitted by a county political party to the lieutenant governor in accordance with Section  
105 [20A-8-402](#).

106 ~~[(10)]~~ (12) "Detailed listing" means:

- 107 (a) for each contribution or public service assistance:
  - 108 (i) the name and address of the individual or source making the contribution or public  
109 service assistance;
  - 110 (ii) the amount or value of the contribution or public service assistance; and
  - 111 (iii) the date the contribution or public service assistance was made; and
- 112 (b) for each expenditure:
  - 113 (i) the amount of the expenditure;
  - 114 (ii) the person or entity to whom it was disbursed;
  - 115 (iii) the specific purpose, item, or service acquired by the expenditure; and
  - 116 (iv) the date the expenditure was made.

117 ~~[(11)]~~ (13) (a) "Donor" means a person that gives money, including a fee, due, or  
118 assessment for membership in the corporation, to a corporation without receiving full and  
119 adequate consideration for the money.

120 (b) "Donor" does not include a person that signs a statement that the corporation may

121 not use the money for an expenditure or political issues expenditure.

122 [~~(12)~~] (14) "Election" means each:

123 (a) regular general election;

124 (b) regular primary election; and

125 (c) special election at which candidates are eliminated and selected.

126 [~~(13)~~] (15) "Electioneering communication" means a communication that:

127 (a) has at least a value of \$10,000;

128 (b) clearly identifies a candidate or judge; and

129 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
130 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
131 identified candidate's or judge's election date.

132 [~~(14)~~] (16) (a) "Expenditure" means:

133 (i) any disbursement from contributions, receipts, or from the separate bank account  
134 required by this chapter;

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

137 (iii) an express, legally enforceable contract, promise, or agreement to make any  
138 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
139 value for political purposes;

140 (iv) compensation paid by a filing entity for personal services rendered by a person  
141 without charge to a reporting entity;

142 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
143 committee; or

144 (vi) goods or services provided by the filing entity to or for the benefit of another  
145 reporting entity for political purposes at less than fair market value.

146 (b) "Expenditure" does not include:

147 (i) services provided without compensation by individuals volunteering a portion or all  
148 of their time on behalf of a reporting entity;

149 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
150 business; or

151 (iii) anything listed in Subsection [~~(14)~~] (16)(a) that is given by a reporting entity to

152 candidates for office or officeholders in states other than Utah.

153 ~~[(15)]~~ (17) "Federal office" means the office of President of the United States, United  
154 States Senator, or United States Representative.

155 ~~[(16)]~~ (18) "Filing entity" means the reporting entity that is required to file a financial  
156 statement required by this chapter or Chapter 12, [~~Part 2, Judicial Retention Elections~~]  
157 Selection and Election of Judges.

158 ~~[(17)]~~ (19) "Financial statement" includes any summary report, interim report, verified  
159 financial statement, or other statement disclosing contributions, expenditures, receipts,  
160 donations, or disbursements that is required by this chapter or Chapter 12, [~~Part 2, Judicial~~  
161 ~~Retention Elections~~] Selection and Election of Judges.

162 ~~[(18)]~~ (20) "Governing board" means the individual or group of individuals that  
163 determine the candidates and committees that will receive expenditures from a political action  
164 committee, political party, or corporation.

165 ~~[(19)]~~ (21) "Incorporation" means the process established by Title 10, Chapter 2, Part  
166 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

167 ~~[(20)]~~ (22) "Incorporation election" means the election authorized by Section 10-2-111.

168 ~~[(21)]~~ (23) "Incorporation petition" means a petition authorized by Section 10-2-109.

169 ~~[(22)]~~ (24) "Individual" means a natural person.

170 ~~[(23)]~~ (25) "Interim report" means a report identifying the contributions received and  
171 expenditures made since the last report.

172 ~~[(24)]~~ (26) "Legislative office" means the office of state senator, state representative,  
173 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
174 assistant whip of any party caucus in either house of the Legislature.

175 ~~[(25)]~~ (27) "Legislative office candidate" means a person who:

176 (a) files a declaration of candidacy for the office of state senator or state representative;

177 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
178 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
179 assistant whip of any party caucus in either house of the Legislature; or

180 (c) receives contributions, makes expenditures, or gives consent for any other person to  
181 receive contributions or make expenditures to bring about the person's nomination, election, or  
182 appointment to a legislative office.

183           ~~[(26)]~~ (28) "Major political party" means either of the two registered political parties  
184 that have the greatest number of members elected to the two houses of the Legislature.

185           ~~[(27)]~~ (29) "Officeholder" means a person who holds a public office.

186           ~~[(28)]~~ (30) "Party committee" means any committee organized by or authorized by the  
187 governing board of a registered political party.

188           ~~[(29)]~~ (31) "Person" means both natural and legal persons, including individuals,  
189 business organizations, personal campaign committees, party committees, political action  
190 committees, political issues committees, and labor organizations, as defined in Section  
191 [20A-11-1501](#).

192           ~~[(30)]~~ (32) "Personal campaign committee" means the committee appointed by a  
193 candidate to act for the candidate as provided in this chapter.

194           ~~[(31)]~~ (33) "Personal use expenditure" has the same meaning as provided under Section  
195 [20A-11-104](#).

196           ~~[(32)]~~ (34) (a) "Political action committee" means an entity, or any group of  
197 individuals or entities within or outside this state, a major purpose of which is to:

198           (i) solicit or receive contributions from any other person, group, or entity for political  
199 purposes; or

200           (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
201 vote for or against any candidate or person seeking election to a municipal or county office.

202           (b) "Political action committee" includes groups affiliated with a registered political  
203 party but not authorized or organized by the governing board of the registered political party  
204 that receive contributions or makes expenditures for political purposes.

205           (c) "Political action committee" does not mean:

206           (i) a party committee;

207           (ii) any entity that provides goods or services to a candidate or committee in the regular  
208 course of its business at the same price that would be provided to the general public;

209           (iii) an individual;

210           (iv) individuals who are related and who make contributions from a joint checking  
211 account;

212           (v) a corporation, except a corporation a major purpose of which is to act as a political  
213 action committee; or

214 (vi) a personal campaign committee.

215 [~~33~~] (35) "Political convention" means a county or state political convention held by  
216 a registered political party to select candidates.

217 [~~34~~] (36) (a) "Political issues committee" means an entity, or any group of individuals  
218 or entities within or outside this state, a major purpose of which is to:

219 (i) solicit or receive donations from any other person, group, or entity to assist in  
220 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
221 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

222 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
223 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
224 proposed ballot proposition or an incorporation in an incorporation election; or

225 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
226 ballot or to assist in keeping a ballot proposition off the ballot.

227 (b) "Political issues committee" does not mean:

228 (i) a registered political party or a party committee;

229 (ii) any entity that provides goods or services to an individual or committee in the  
230 regular course of its business at the same price that would be provided to the general public;

231 (iii) an individual;

232 (iv) individuals who are related and who make contributions from a joint checking  
233 account; or

234 (v) a corporation, except a corporation a major purpose of which is to act as a political  
235 issues committee.

236 [~~35~~] (37) (a) "Political issues contribution" means any of the following:

237 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
238 anything of value given to a political issues committee;

239 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
240 issues donation to influence the approval or defeat of any ballot proposition;

241 (iii) any transfer of funds received by a political issues committee from a reporting  
242 entity;

243 (iv) compensation paid by another reporting entity for personal services rendered  
244 without charge to a political issues committee; and



245 (v) goods or services provided to or for the benefit of a political issues committee at  
246 less than fair market value.

247 (b) "Political issues contribution" does not include:

248 (i) services provided without compensation by individuals volunteering a portion or all  
249 of their time on behalf of a political issues committee; or

250 (ii) money lent to a political issues committee by a financial institution in the ordinary  
251 course of business.

252 [~~36~~] (38) (a) "Political issues expenditure" means any of the following:

253 (i) any payment from political issues contributions made for the purpose of influencing  
254 the approval or the defeat of:

255 (A) a ballot proposition; or

256 (B) an incorporation petition or incorporation election;

257 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
258 the express purpose of influencing the approval or the defeat of:

259 (A) a ballot proposition; or

260 (B) an incorporation petition or incorporation election;

261 (iii) an express, legally enforceable contract, promise, or agreement to make any  
262 political issues expenditure;

263 (iv) compensation paid by a reporting entity for personal services rendered by a person  
264 without charge to a political issues committee; or

265 (v) goods or services provided to or for the benefit of another reporting entity at less  
266 than fair market value.

267 (b) "Political issues expenditure" does not include:

268 (i) services provided without compensation by individuals volunteering a portion or all  
269 of their time on behalf of a political issues committee; or

270 (ii) money lent to a political issues committee by a financial institution in the ordinary  
271 course of business.

272 [~~37~~] (39) "Political purposes" means an act done with the intent or in a way to  
273 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote  
274 for or against any candidate or a person seeking a municipal or county office at any caucus,  
275 political convention, or election.

276            [~~(38)~~] (40) (a) "Poll" means the survey of a person regarding the person's opinion or  
277 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
278 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
279 person or by telephone, facsimile, Internet, postal mail, or email.

280            (b) "Poll" does not include:

281            (i) a ballot; or

282            (ii) an interview of a focus group that is conducted, in person, by one individual, if:

283            (A) the focus group consists of more than three, and less than thirteen, individuals; and

284            (B) all individuals in the focus group are present during the interview.

285            [~~(39)~~] (41) "Primary election" means any regular primary election held under the  
286 election laws.

287            (42) "Publicly identified class of individuals" means a group of 50 or more individuals  
288 sharing a common occupation, interest, or association that contribute to a political action  
289 committee or political issues committee and whose names can be obtained by contacting the  
290 political action committee or political issues committee upon whose financial statement the  
291 individuals are listed.

292            [~~(40)~~] (43) "Public office" means the office of governor, lieutenant governor, state  
293 auditor, state treasurer, attorney general, state or local school board member, state senator, state  
294 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
295 whip, and assistant whip of any party caucus in either house of the Legislature.

296            [~~(41)~~] (44) (a) "Public service assistance" means the following when given or provided  
297 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
298 communicate with the officeholder's constituents:

299            (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
300 money or anything of value to an officeholder; or

301            (ii) goods or services provided at less than fair market value to or for the benefit of the  
302 officeholder.

303            (b) "Public service assistance" does not include:

304            (i) anything provided by the state;

305            (ii) services provided without compensation by individuals volunteering a portion or all  
306 of their time on behalf of an officeholder;

307 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
308 business;

309 (iv) news coverage or any publication by the news media; or

310 (v) any article, story, or other coverage as part of any regular publication of any  
311 organization unless substantially all the publication is devoted to information about the  
312 officeholder.

313 [~~(43)~~] (45) "Receipts" means contributions and public service assistance.

314 [~~(44)~~] (46) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
315 Lobbyist Disclosure and Regulation Act.

316 [~~(45)~~] (47) "Registered political action committee" means any political action  
317 committee that is required by this chapter to file a statement of organization with the Office of  
318 the Lieutenant Governor.

319 [~~(46)~~] (48) "Registered political issues committee" means any political issues  
320 committee that is required by this chapter to file a statement of organization with the Office of  
321 the Lieutenant Governor.

322 [~~(47)~~] (49) "Registered political party" means an organization of voters that:

323 (a) participated in the last regular general election and polled a total vote equal to 2%  
324 or more of the total votes cast for all candidates for the United States House of Representatives  
325 for any of its candidates for any office; or

326 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
327 Party Formation and Procedures.

328 [~~(48)~~] (50) (a) "Remuneration" means a payment:

329 (i) made to a legislator for the period the Legislature is in session; and

330 (ii) that is approximately equivalent to an amount a legislator would have earned  
331 during the period the Legislature is in session in the legislator's ordinary course of business.

332 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

333 (i) the legislator's primary employer in the ordinary course of business; or

334 (ii) a person or entity in the ordinary course of business:

335 (A) because of the legislator's ownership interest in the entity; or

336 (B) for services rendered by the legislator on behalf of the person or entity.

337 [~~(49)~~] (51) "Reporting entity" means a candidate, a candidate's personal campaign

338 committee, a judge, a judge's personal campaign committee, an officeholder, a party  
339 committee, a political action committee, a political issues committee, a corporation, or a labor  
340 organization, as defined in Section [20A-11-1501](#).

341 ~~[(50)]~~ [\(52\)](#) "School board office" means the office of state school board or local school  
342 board.

343 ~~[(51)]~~ [\(53\)](#) (a) "Source" means the person or entity that is the legal owner of the  
344 tangible or intangible asset that comprises the contribution.

345 (b) "Source" means, for political action committees and corporations, the political  
346 action committee and the corporation as entities, not the contributors to the political action  
347 committee or the owners or shareholders of the corporation.

348 ~~[(52)]~~ [\(54\)](#) "State office" means the offices of governor, lieutenant governor, attorney  
349 general, state auditor, and state treasurer.

350 ~~[(53)]~~ [\(55\)](#) "State office candidate" means a person who:

351 (a) files a declaration of candidacy for a state office; or

352 (b) receives contributions, makes expenditures, or gives consent for any other person to  
353 receive contributions or make expenditures to bring about the person's nomination, election, or  
354 appointment to a state office.

355 ~~[(54)]~~ [\(56\)](#) "Summary report" means the year end report containing the summary of a  
356 reporting entity's contributions and expenditures.

357 ~~[(55)]~~ [\(57\)](#) "Supervisory board" means the individual or group of individuals that  
358 allocate expenditures from a political issues committee.

359 Section 2. Section **20A-11-604** is enacted to read:

360 **20A-11-604. Limits on contributions by political action committees.**

361 (1) A political action committee may not make contributions totaling more than the  
362 following amounts per contribution cycle:

363 (a) \$10,000 to one state office candidate;

364 (b) \$5,000 to one legislative office candidate;

365 (c) \$5,000 to one school board office candidate;

366 (d) \$5,000 to one judge;

367 (e) \$40,000 to one registered political party;

368 (f) \$10,000 to one political action committee; or

369 (g) \$50,000 in the aggregate to one or more:

370 (i) registered political parties;

371 (ii) labor organizations; and

372 (iii) political action committees.

373 (2) A political action committee may not make a cash contribution in excess of \$100 in  
374 a contribution cycle.

375 Section 3. Section **20A-11-705** is enacted to read:

376 **20A-11-705. Limits on contributions by corporations.**

377 (1) A corporation may not make contributions totaling more than the following  
378 amounts per contribution cycle:

379 (a) \$10,000 to one state office candidate;

380 (b) \$5,000 to one legislative office candidate;

381 (c) \$5,000 to one school board office candidate;

382 (d) \$5,000 to one judge;

383 (e) \$40,000 to one registered political party;

384 (f) \$10,000 to one political action committee; or

385 (g) \$50,000 in the aggregate to one or more:

386 (i) registered political parties;

387 (ii) labor organizations; and

388 (iii) political action committees.

389 (2) A corporation may not make a cash contribution in excess of \$100 in a contribution  
390 cycle.

391 Section 4. Section **20A-11-1504** is enacted to read:

392 **20A-11-1504. Limits on contributions by a labor organization.**

393 (1) As used in this section, "labor organization" is as defined in Section [20A-11-1402](#).

394 (2) A labor organization may not make contributions totaling more than the following  
395 amounts per contribution cycle:

396 (a) \$10,000 to one state office candidate;

397 (b) \$5,000 to one legislative office candidate;

398 (c) \$5,000 to one school board office candidate;

399 (d) \$5,000 to one judge;

- 400 (e) \$40,000 to one registered political party;
- 401 (f) \$10,000 to one political action committee; or
- 402 (g) \$50,000 in the aggregate to one or more:
- 403 (i) registered political parties;
- 404 (ii) labor organizations; and
- 405 (iii) political action committees.
- 406 (3) A labor organization may not make a cash contribution in excess of \$100 in a
- 407 contribution cycle.

408 Section 5. Section **20A-11-1701** is enacted to read:

409 **Part 17. Contribution Limits**

410 **20A-11-1701. Title.**

411 This part is known as "Contribution Limits."

412 Section 6. Section **20A-11-1702** is enacted to read:

413 **20A-11-1702. Limits on contributions by an individual.**

414 (1) An individual may not make contributions totaling more than the following  
415 amounts per contribution cycle:

- 416 (a) \$10,000 to one state office candidate;
- 417 (b) \$5,000 to one legislative office candidate;
- 418 (c) \$5,000 to one school board office candidate;
- 419 (d) \$5,000 to one judge;
- 420 (e) \$40,000 to one registered political party; or
- 421 (f) \$10,000 to one political action committee.

422 (2) An individual may not make a cash contribution in excess of \$100 in a contribution  
423 cycle.

424 Section 7. Section **20A-11-1703** is enacted to read:

425 **20A-11-1703. Contribution limit transition.**

426 A person may not make a contribution between May 13, 2014, and December 31, 2014,  
427 in excess of one-half of the contribution limits established in Section [20A-11-604](#),  
428 [20A-11-705](#), [20A-11-1504](#), or [20A-11-1702](#).

429 Section 8. Section **20A-11-1704** is enacted to read:

430 **20A-11-1704. Penalty for contributions in excess of limit.**

431           (1) A person that makes a contribution in excess of the contribution limits established  
432 in Section 20A-11-604, 20A-11-705, 20A-11-1504, 20A-11-1702, or 20A-11-1703 is guilty of  
433 a class A misdemeanor.

434           (2) A person that accepts a contribution in excess of the contribution limits established  
435 in Section 20A-11-604, 20A-11-705, 20A-11-1504, 20A-11-1702, or 20A-11-1703 is guilty of  
436 a class A misdemeanor.

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**Legislative Review Note**  
as of 9-26-13 11:11 AM

**Office of Legislative Research and General Counsel**