

Representative Brian M. Greene proposes the following substitute bill:

POLITICAL ISSUES COMMITTEE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Election Code to create an exception to the definition of a political issues committee.

Highlighted Provisions:

This bill:

► provides that a political issues committee does not include certain associations of individuals who seek to challenge a single ballot proposition, ordinance, or other governmental action of a local political subdivision of the state.

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 2014, Chapters 18, 158, and 337

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

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



26 **20A-11-101. Definitions.**

27 As used in this chapter:

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

30 (2) "Agent of a reporting entity" means:

31 (a) a person acting on behalf of a reporting entity at the direction of the reporting
32 entity;

33 (b) a person employed by a reporting entity in the reporting entity's capacity as a
34 reporting entity;

35 (c) the personal campaign committee of a candidate or officeholder;

36 (d) a member of the personal campaign committee of a candidate or officeholder in the
37 member's capacity as a member of the personal campaign committee of the candidate or
38 officeholder; or

39 (e) a political consultant of a reporting entity.

40 (3) "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 (4) "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 (5) "Chief election officer" means:

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

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

54 (6) (a) "Contribution" means any of the following when done for political purposes:

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

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

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

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

63 (v) remuneration from:

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

65 or

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

67 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

68 (vii) in-kind contributions.

69 (b) "Contribution" does not include:

70 (i) services provided by individuals volunteering a portion or all of their time on behalf
71 of the filing entity if the services are provided without compensation by the filing entity or any
72 other person;

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

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

78 (7) "Coordinated with" means that goods or services provided for the benefit of a
79 candidate or political party are provided:

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

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

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

84 (d) using official logos, slogans, and similar elements belonging to a candidate or
85 political party.

86 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
87 organization that is registered as a corporation or is authorized to do business in a state and

88 makes any expenditure from corporate funds for:

89 (i) the purpose of expressly advocating for political purposes; or

90 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
91 proposition.

92 (b) "Corporation" does not mean:

93 (i) a business organization's political action committee or political issues committee; or

94 (ii) a business entity organized as a partnership or a sole proprietorship.

95 (9) "County political party" means, for each registered political party, all of the persons
96 within a single county who, under definitions established by the political party, are members of
97 the registered political party.

98 (10) "County political party officer" means a person whose name is required to be
99 submitted by a county political party to the lieutenant governor in accordance with Section
100 [20A-8-402](#).

101 (11) "Detailed listing" means:

102 (a) for each contribution or public service assistance:

103 (i) the name and address of the individual or source making the contribution or public
104 service assistance;

105 (ii) the amount or value of the contribution or public service assistance; and

106 (iii) the date the contribution or public service assistance was made; and

107 (b) for each expenditure:

108 (i) the amount of the expenditure;

109 (ii) the person or entity to whom it was disbursed;

110 (iii) the specific purpose, item, or service acquired by the expenditure; and

111 (iv) the date the expenditure was made.

112 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
113 for membership in the corporation, to a corporation without receiving full and adequate
114 consideration for the money.

115 (b) "Donor" does not include a person that signs a statement that the corporation may
116 not use the money for an expenditure or political issues expenditure.

117 (13) "Election" means each:

118 (a) regular general election;

119 (b) regular primary election; and

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

121 (14) "Electioneering communication" means a communication that:

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

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

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

127 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
128 agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

142 (b) "Expenditure" does not include:

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

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

147 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
148 candidates for office or officeholders in states other than Utah.

149 (16) "Federal office" means the office of president of the United States, United States

150 Senator, or United States Representative.

151 (17) "Filing entity" means the reporting entity that is required to file a financial
152 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

153 (18) "Financial statement" includes any summary report, interim report, verified
154 financial statement, or other statement disclosing contributions, expenditures, receipts,
155 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
156 Retention Elections.

157 (19) "Governing board" means the individual or group of individuals that determine the
158 candidates and committees that will receive expenditures from a political action committee,
159 political party, or corporation.

160 (20) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
161 Incorporation, by which a geographical area becomes legally recognized as a city or town.

162 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
163 10-2-127.

164 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
165 10-2-125.

166 (23) "Individual" means a natural person.

167 (24) "In-kind contribution" means anything of value, other than money, that is accepted
168 by or coordinated with a filing entity.

169 (25) "Interim report" means a report identifying the contributions received and
170 expenditures made since the last report.

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

174 (27) "Legislative office candidate" means a person who:

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

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

179 (c) receives contributions, makes expenditures, or gives consent for any other person to
180 receive contributions or make expenditures to bring about the person's nomination, election, or

181 appointment to a legislative office.

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

184 (29) "Officeholder" means a person who holds a public office.

185 (30) "Party committee" means any committee organized by or authorized by the
186 governing board of a registered political party.

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

190 (32) "Personal campaign committee" means the committee appointed by a candidate to
191 act for the candidate as provided in this chapter.

192 (33) "Personal use expenditure" has the same meaning as provided under Section
193 20A-11-104.

194 (34) (a) "Political action committee" means an entity, or any group of individuals or
195 entities within or outside this state, a major purpose of which is to:

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

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

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

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

204 (i) a party committee;

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

207 (iii) an individual;

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

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

212 (vi) a personal campaign committee.

213 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
214 by another person on behalf of and with the knowledge of the reporting entity, to provide
215 political advice to the reporting entity.

216 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
217 where the person:

218 (i) has already been paid, with money or other consideration;

219 (ii) expects to be paid in the future, with money or other consideration; or

220 (iii) understands that the person may, in the discretion of the reporting entity or another
221 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
222 money or other consideration.

223 (36) "Political convention" means a county or state political convention held by a
224 registered political party to select candidates.

225 (37) (a) "Political issues committee" means an entity, or any group of individuals or
226 entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

239 (iii) an individual;

240 (iv) individuals who are related and who make contributions from a joint checking
241 account; [~~or~~]

242 (v) a corporation, except a corporation a major purpose of which is to act as a political

243 issues committee[-]; or

244 (vi) a group of individuals who:

245 (A) associate together for the purpose of challenging a single ballot proposition,
246 ordinance, or other governmental action by a county, city, town, local district, special service
247 district, or other local political subdivision of the state;

248 (B) have a common liberty, property, or financial interest that is directly impacted by
249 the ballot proposition, ordinance, or other governmental action;

250 (C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A),
251 via a legal entity;

252 (D) do not receive funds for challenging the ballot proposition, ordinance, or other
253 governmental action from a person other than an individual in the group; and

254 (E) do not expend a total of more than \$10,000 for the purpose described in Subsection
255 (37)(b)(vi)(A).

256 (38) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

267 (b) "Political issues contribution" 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 (39) (a) "Political issues expenditure" means any of the following when made by a
273 political issues committee or on behalf of a political issues committee by an agent of the

274 reporting entity:

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

277 (A) a ballot proposition; or

278 (B) an incorporation petition or incorporation election;

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

281 (A) a ballot proposition; or

282 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

294 (40) "Political purposes" means an act done with the intent or in a way to influence or
295 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
296 against any candidate or a person seeking a municipal or county office at any caucus, political
297 convention, or election.

298 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
299 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
300 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
301 person or by telephone, facsimile, Internet, postal mail, or email.

302 (b) "Poll" does not include:

303 (i) a ballot; or

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

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

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

307 (42) "Primary election" means any regular primary election held under the election
308 laws.

309 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more
310 individuals sharing a common occupation, interest, or association that contribute to a political
311 action committee or political issues committee and whose names can be obtained by contacting
312 the political action committee or political issues committee upon whose financial statement the
313 individuals are listed.

314 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state
315 auditor, state treasurer, attorney general, state school board member, state senator, state
316 representative, speaker of the House of Representatives, president of the Senate, and the leader,
317 whip, and assistant whip of any party caucus in either house of the Legislature.

318 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided
319 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
320 communicate with the officeholder's constituents:

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

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

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

326 (i) anything provided by the state;

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

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

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

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

335 (46) "Receipts" means contributions and public service assistance.

336 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
337 Lobbyist Disclosure and Regulation Act.

338 (48) "Registered political action committee" means any political action committee that
339 is required by this chapter to file a statement of organization with the Office of the Lieutenant
340 Governor.

341 (49) "Registered political issues committee" means any political issues committee that
342 is required by this chapter to file a statement of organization with the Office of the Lieutenant
343 Governor.

344 (50) "Registered political party" means an organization of voters that:

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

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

350 (51) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

359 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
360 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
361 action committee, a political issues committee, a corporation, or a labor organization, as
362 defined in Section [20A-11-1501](#).

363 (53) "School board office" means the office of state school board.

364 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or
365 intangible asset that comprises the contribution.

366 (b) "Source" means, for political action committees and corporations, the political

367 action committee and the corporation as entities, not the contributors to the political action
368 committee or the owners or shareholders of the corporation.

369 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
370 state auditor, and state treasurer.

371 (56) "State office candidate" means a person who:

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

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

376 (57) "Summary report" means the year end report containing the summary of a
377 reporting entity's contributions and expenditures.

378 (58) "Supervisory board" means the individual or group of individuals that allocate
379 expenditures from a political issues committee.