

1 **CAMPAIGN DISCLOSURES FOR JUDICIAL RETENTION**
2 **ELECTIONS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad King**

6 Senate Sponsor: Stephen H. Urquhart

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the definition of "political purposes" as it relates to campaign and
11 financial reporting requirements.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ amends the definition of "political purposes," as it relates to campaign and financial
15 reporting requirements, to include an act done to influence a judicial retention
16 election.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

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

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

27 **20A-11-101. Definitions.**



28 As used in this chapter:

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

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

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

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

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

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

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

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

44 (4) "Candidate" means any person who:

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

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

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

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

58 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

59 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
60 anything of value to the filing entity;

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

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

64 (v) remuneration from:

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

66 or

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

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

69 (vii) in-kind contributions.

70 (b) "Contribution" does not include:

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

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

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

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

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

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

87 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
88 organization that is registered as a corporation or is authorized to do business in a state and
89 makes any expenditure from corporate funds for:

90 (i) the purpose of expressly advocating for political purposes; or
91 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
92 proposition.

93 (b) "Corporation" does not mean:

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

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

99 (10) "County political party officer" means a person whose name is required to be
100 submitted by a county political party to the lieutenant governor in accordance with Section
101 [20A-8-402](#).

102 (11) "Detailed listing" means:

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

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

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

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

108 (b) for each expenditure:

109 (i) the amount of the expenditure;

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

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

112 (iv) the date the expenditure was made.

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

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

118 (13) "Election" means each:

119 (a) regular general election;

120 (b) regular primary election; and

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

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

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

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

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

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

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

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

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

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

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

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

143 (b) "Expenditure" does not include:

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

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

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

150 (16) "Federal office" means the office of president of the United States, United States
151 Senator, or United States Representative.

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

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

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

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

163 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
164 10-2-127.

165 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
166 10-2-125.

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

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

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

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

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

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

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

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

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

193 (33) "Personal use expenditure" has the same meaning as provided under Section
194 20A-11-104.

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

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

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

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

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

205 (i) a party committee;

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

208 (iii) an individual;

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

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

213 (vi) a personal campaign committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

240 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

261 (39) (a) "Political issues expenditure" means any of the following when made by a
262 political issues committee or on behalf of a political issues committee by an agent of the
263 reporting entity:

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

266 (A) a ballot proposition; or

267 (B) an incorporation petition or incorporation election;

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

270 (A) a ballot proposition; or

271 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

283 (40) "Political purposes" means an act done with the intent or in a way to influence or
284 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
285 against any:

286 (a) candidate or a person seeking a municipal or county office at any caucus, political
287 convention, or election[-]; or

288 (b) judge standing for retention at any election.

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

293 (b) "Poll" does not include:

294 (i) a ballot; or

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

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

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

298 (42) "Primary election" means any regular primary election held under the election
299 laws.

300 (43) "Public office" means the office of governor, lieutenant governor, state auditor,
301 state treasurer, attorney general, state school board member, state senator, state representative,
302 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
303 assistant whip of any party caucus in either house of the Legislature.

304 [(45)] (44) "Publicly identified class of individuals" means a group of 50 or more
305 individuals sharing a common occupation, interest, or association that contribute to a political
306 action committee or political issues committee and whose names can be obtained by contacting

307 the political action committee or political issues committee upon whose financial statement the
308 individuals are listed.

309 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided
310 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
311 communicate with the officeholder's constituents:

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

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

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

317 (i) anything provided by the state;

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

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

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

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

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

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

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

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

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

336 (a) participated in the last regular general election and polled a total vote equal to 2%
337 or more of the total votes cast for all candidates for the United States House of Representatives

338 for any of its candidates for any office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of 1-6-15 11:48 AM

Office of Legislative Research and General Counsel