

Representative Brad M. Daw proposes the following substitute bill:

POLITICAL ACTIVITY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions of the Election Code and the Lobbyist Disclosure and Regulation Act.

Highlighted Provisions:

This bill:

- ▶ defines and amends terms;
- ▶ amends and corrects provisions relating to primary elections;
- ▶ changes the date on which a county clerk is required to provide an election notice;
- ▶ modifies the political party registration petition;
- ▶ modifies provisions relating to a declaration of candidacy;
- ▶ amends provisions relating to notifications that a qualified political party is required to provide to the lieutenant governor;
- ▶ amends ballot provisions;
- ▶ modifies provisions relating to rulemaking authority;
- ▶ amends provisions relating to candidate nomination and certification;
- ▶ amends provisions relating to nomination petitions;
- ▶ amends provisions relating to straight party voting;
- ▶ modifies requirements relating to reporting by a corporation or a lobbyist; **H→ and ☆**



26 **⊕** [~~removes the requirements relating to lobbyist nametags; and~~] **←H**

27 ▶ makes technical and conforming amendments.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391

35 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

36 **20A-3-106**, as last amended by Laws of Utah 2006, Chapter 326

37 **20A-5-101**, as last amended by Laws of Utah 2014, Chapters 17 and 362

38 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17

39 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17

40 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17

41 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

42 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17

43 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17

44 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17

45 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17

46 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

47 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17

48 **20A-11-701**, as last amended by Laws of Utah 2013, Chapters 318 and 420

49 **36-11-201**, as last amended by Laws of Utah 2010, Chapter 325

50 **H→** [~~36-11-305.5, as enacted by Laws of Utah 2014, Chapter 335~~] **←H**

51 **ENACTS:**

52 **20A-9-408.5**, Utah Code Annotated 1953

53 **20A-9-411**, Utah Code Annotated 1953

54 **20A-11-705**, Utah Code Annotated 1953



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

584 (vi) any municipal or local district offices.

585 (10) "Municipal office" means an elective office in a municipality.

586 (11) (a) "Political division" means a geographic unit from which an office holder is
587 elected and that an office holder represents.

588 (b) "Political division" includes a county, a city, a town, a local district, a school
589 district, a legislative district, and a county prosecution district.

590 (12) "Qualified political party" means a registered political party that:

591 (a) permits voters who are unaffiliated with any political party to vote for the registered
592 political party's candidates in a primary election;

593 (b) (i) permits a delegate for the registered political party to vote on a candidate
594 nomination in the registered political party's convention remotely; or

595 (ii) provides a procedure for designating an alternate delegate if a delegate is not
596 present at the registered political party's convention;

597 (c) does not hold the registered political party's convention before ~~[April 1]~~ the fourth
598 Saturday in March of an even-numbered year;

599 (d) permits a member of the registered political party to seek the registered political
600 party's nomination for any elective office by the member choosing to seek the nomination by
601 either or both of the following methods:

602 (i) seeking the nomination through the registered political party's convention process,
603 in accordance with the provisions of Section 20A-9-407; or

604 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
605 of Section 20A-9-408; and

606 (e) (i) if the registered political party is a continuing political party, no later than 5 p.m.
607 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
608 election in the following year, the registered political party intends to nominate the registered
609 political party's candidates in accordance with the provisions of ~~[Sections 20A-9-407 and~~
610 ~~20A-9-408:]~~ Section 20A-9-406; or

611 (ii) if the registered political party is ~~H→~~ [a] ~~←H~~ not a continuing political party,
611a certifies at the
612 time that the registered political party files the petition described in Section 20A-8-103 that, for
613 the next election, the registered political party intends to nominate the registered political
614 party's candidates in accordance with the provisions of Section 20A-9-406.

1328 Section 17. Section 20A-11-701 is amended to read:

1329 **20A-11-701. Campaign financial reporting by ~~H~~→ [political purpose] ←~~H~~**

1329a **corporations --**

1330 **Filing requirements -- Statement contents -- Donor reporting and notification required.**

1331 (1) (a) Each corporation that has made expenditures for political purposes that total at
1332 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
1333 governor's office:

1334 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1335 (ii) seven days before the state political convention for each major political party;

1336 (iii) seven days before the regular primary election date;

1337 (iv) on August 31; and

1338 (v) seven days before the regular general election date.

1339 (b) The corporation shall report:

1340 (i) a detailed listing of all expenditures made since the last financial statement;

1341 (ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all
1342 expenditures as of five days before the required filing date of the financial statement; and

1343 (iii) whether the corporation, including an officer of the corporation, director of the
1344 corporation, or person with at least 10% ownership in the corporation:

1345 (A) has bid since the last financial statement on a contract, as defined in Section
1346 63G-6a-103, in excess of \$100,000;

1347 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of
1348 \$100,000; or

1349 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

1350 (c) The corporation need not file a financial statement under this section if the
1351 corporation made no expenditures during the reporting period.

1352 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
1353 reporting entity that the reporting entity is required to include in a financial statement described
1354 in this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1355 (2) The financial statement shall include:

1356 (a) the name and address of each reporting entity that received an expenditure from the
1357 corporation, and the amount of each expenditure;

1358 (b) the total amount of expenditures disbursed by the corporation:

1390 by donors, during the calendar year or previous calendar year that the corporation has not
1391 reported in a previous financial statement.

1392 (d) The corporation shall indicate on the financial statement that the amount attributed
1393 to each donor under Subsection (3)(b)(ii) is only an estimate.

1394 (e) (i) For all individual donations of \$50 or less, the corporation may report a single
1395 aggregate figure without separate detailed listings.

1396 (ii) The corporation:

1397 (A) may not report in the aggregate two or more donations from the same source that
1398 have an aggregate total of more than \$50; and

1399 (B) shall separately report donations described in Subsection (3)(e)(ii)(A).

1400 (4) If a corporation makes expenditures that total at least \$750 during a calendar year,
1401 the corporation shall notify a person giving money to the corporation that:

1402 (a) the corporation may use the money to make an expenditure; and

1403 (b) the person's name and address may be disclosed on the ~~H~~→ [political purpose] ←~~H~~
1404 corporation's financial statement.

1405 Section 18. Section **20A-11-705** is enacted to read:

1406 **20A-11-705. Notice of in-kind contributions.**

1407 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
1408 accordance with Subsection (2), provide the reporting entity a written notice that includes:

1409 (a) the name and address of the corporation;

1410 (b) the date of the in-kind expenditure;

1411 (c) a description of the in-kind expenditure; and

1412 (d) the value, in dollars, of the in-kind expenditure.

1413 (2) A corporation shall provide the written notice described in Subsection (1) to the
1414 reporting entity:

1415 (a) except as provided in Subsection (2)(b), within 30 days after the day on which the
1416 corporation makes the in-kind contribution; or

1417 (b) within three business days after the day on which the corporation makes the in-kind
1418 contribution, if:

1419 (i) the in-kind contribution is to a candidate who is contested in a convention and the
1420 corporation makes the in-kind contribution within 30 days before the day on which the

1514 (iii) contains a listing, as required by this section, of all previously unreported
 1515 expenditures that have been made through the date of the statement; and

1516 (iv) states that the lobbyist or principal will not make any additional expenditure that is
 1517 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
 1518 licensing requirements of this chapter.

1519 (b) [A] Except as provided in Subsection (1)(a)(ii), a person that fails to renew the
 1520 lobbyist's license or otherwise ceases to be licensed is required to file a financial report
 1521 quarterly until the person files the statement required by Subsection (6)(a).

1522 **H→ [Section 20. Section 36-11-305.5 is amended to read:**

1523 ~~———— 36-11-305.5. Lobbyist requirements:~~

1524 ~~———— [(1) The lieutenant governor shall issue to each lobbyist a name tag that includes:]~~

1525 ~~———— [(a) the word "Lobbyist" in at least 18-point type; and]~~

1526 ~~———— [(b) the first and last name of the lobbyist, in at least 18-point type.]~~

1527 ~~———— [(2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the~~
 1528 ~~lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in~~
 1529 ~~Subsection (1) in plain view.]~~

1530 ~~———— [(3)] A lobbyist shall, at the beginning of making a communication to a public official~~
 1531 ~~that constitutes lobbying, inform the public official of the identity of the principal on whose~~
 1532 ~~behalf the lobbyist is lobbying.] ←H~~