

## SB0137S01 compared with SB0137

~~text~~ shows text that was in SB0137 but was deleted in SB0137S01.

text shows text that was not in SB0137 but was inserted into SB0137S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd Weiler proposes the following substitute bill:

### CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS

#### REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill establishes a deadline to pay a fine imposed for violating Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, and prohibits a person from using the email of a public entity to send an email for a political purpose.

##### Highlighted Provisions:

This bill:

- ▶ amends the definition of "political purposes":
- ▶ establishes a deadline to pay a fine imposed for violating Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;
- ▶ prohibits a person from sending an email, using the email of a public entity, for a

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political purpose;

- ▶ provides for a civil fine against a person who violates the provisions of this bill; and
- ▶ makes technical and conforming amendments.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**20A-11-1202**, as last amended by Laws of Utah 2009, Chapter 60

**20A-11-1203**, as last amended by Laws of Utah 2014, Chapter 158

**20A-11-1204**, as enacted by Laws of Utah 2004, Chapter 142

ENACTS:

**20A-11-105**, Utah Code Annotated 1953

**20A-11-1205**, Utah Code Annotated 1953

**20A-11-1206**, Utah Code Annotated 1953

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

Section 1. Section **20A-11-105** is enacted to read:

**20A-11-105. Deadline for payment of fine.**

A person against whom the lieutenant governor imposes a fine under this chapter shall pay the fine within 30 days after the day on which the lieutenant governor imposes the fine.

Section 2. Section **20A-11-1202** is amended to read:

**20A-11-1202. Definitions.**

As used in this part:

(1) "Applicable election officer" means:

(a) a county clerk, if the email relates only to a local election; or

(b) the lieutenant governor, if the email relates to an election other than a local election.

[~~(1)~~](2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to

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the voters for their approval or rejection.

~~1(2)~~ 1(3) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.

(b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:

- (i) government appropriations;
- (ii) taxes;
- (iii) government fees imposed for regulatory or revenue raising purposes; or
- (iv) interest earned on public funds or other returns on investment of public funds.

~~1(3)~~ 1(4) "Expenditure" means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

(b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

(d) a transfer of funds between a public entity and a political issues committee; or

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.

~~1(4)~~ 1(5) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:

- (a) government appropriations;
- (b) taxes;
- (c) government fees imposed for regulatory or revenue raising purposes; or
- (d) interest earned on public funds or other returns on investment of public funds.

~~1(5)~~ 1(6) (a) "Influence" means to campaign or advocate for or against a ballot proposition.

(b) "Influence" does not mean providing a brief statement about a public entity's position on a ballot proposition and the reason for that position.

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~~[(6)]~~1(7) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

~~[(7)]~~1(8) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

~~[(8)]~~1(9) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election~~[-];~~~~for~~

(b) judge standing for retention at any election~~[-];~~~~or~~

(c) ballot proposition.

~~[(9)]~~1(10) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.

(b) "Public entity" does not include a commercial interlocal cooperation agency.

(c) "Public entity" includes local health departments created under Title 26, Chapter 1, Department of Health Organization.

~~[(10)]~~1(11) (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include money donated to a public entity by a person or entity.

~~[(11)]~~1(12) (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.

(b) "Public official" includes the person or group that:

(i) has supervisory authority over the personnel and affairs of a public entity; and

(ii) approves the expenditure of funds for the public entity.

~~[(12)]~~1(13) (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(b) "State agency" includes the legislative branch, the Board of Regents, the

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institutional councils of each higher education institution, and each higher education institution.

Section 3. Section **20A-11-1203** is amended to read:

**20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.**

(1) Unless specifically required by law, and except as provided in Section 20A-11-1206, a public entity may not make an expenditure from public funds for political purposes ~~[or to influence a ballot proposition]~~.

~~[(2) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.]~~

~~[(3) Nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.]~~

~~[(4) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.]~~

~~[(5) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.]~~

~~[(6)]~~ (2) A violation of this section does not invalidate an otherwise valid election.

Section 4. Section **20A-11-1204** is amended to read:

**20A-11-1204. Criminal penalty.**

Each public official who violates ~~[this part]~~ Section 20A-11-1203 is guilty of a class B misdemeanor.

Section 5. Section **20A-11-1205** is enacted to read:

**20A-11-1205. Use of public email for a political purpose.**

(1) A person may not send an email, using the email of a public entity, for a political purpose.

(2) The ~~lieutenant governor~~ **applicable election officer** shall impose a civil fine against a person who violates Subsection (1) as follows:

(a) up to \$100 for a first violation; and

(b) except as provided in Subsection (3), for each subsequent violation committed after

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~~{the lieutenant governor}~~any applicable election officer imposes a fine against the person for a first violation, \$250 multiplied by the number of violations committed by the person.

(3) The ~~{lieutenant governor}~~applicable election officer shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.

(4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.

(5) A violation of this section does not invalidate an otherwise valid election.

Section 6. Section **20A-11-1206** is enacted to read:

### **20A-11-1206. Exclusions.**

(1) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.

(2) Nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.

(3) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.

(4) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.

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### **Legislative Review Note**

~~as of 1-2-15 9:06 AM~~

~~Office of Legislative Research and General Counsel}~~