

1 **POLITICAL ACTIVITY AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code and the Lobbyist Disclosure and
10 Regulation Act relating to reporting obligations of reporting entities and lobbyists and
11 to other requirements placed on lobbyists.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines and amends terms;
15 ▶ modifies requirements relating to reporting by a corporation or a lobbyist;
16 ▶ modifies limitations on food or beverage provided by a principal, lobbyist, or
17 government officer; and
18 ▶ removes the requirements relating to lobbyist nametags.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

26 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347

27 **20A-11-701**, as last amended by Laws of Utah 2013, Chapters 318 and 420



- 28 **20A-11-702**, as last amended by Laws of Utah 2013, Chapters 318 and 420
- 29 **20A-11-703**, as last amended by Laws of Utah 2013, Chapter 420
- 30 **20A-11-704**, as enacted by Laws of Utah 2006, Chapter 226
- 31 **20A-11-801**, as last amended by Laws of Utah 2008, Chapter 225
- 32 **20A-11-1004**, as enacted by Laws of Utah 1995, Chapter 1
- 33 **36-11-102**, as last amended by Laws of Utah 2014, Chapter 335
- 34 **36-11-201**, as last amended by Laws of Utah 2010, Chapter 325
- 35 **36-11-304**, as repealed and reenacted by Laws of Utah 2010, Chapter 325
- 36 **36-11-305.5**, as enacted by Laws of Utah 2014, Chapter 335

37 ENACTS:

38 **20A-11-705**, Utah Code Annotated 1953



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

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

42 **20A-11-101. Definitions.**

43 As used in this chapter:

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

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

47 (a) a person acting on behalf of a reporting entity at the direction of the reporting
48 entity;

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

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

52 (d) a member of the personal campaign committee of a candidate or officeholder in the
53 member's capacity as a member of the personal campaign committee of the candidate or
54 officeholder; or

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

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

59 (4) "Business expenditure" means any money paid out by a corporation, regardless of
60 whether the money:

61 (a) is for a normal business expense;

62 (b) is an expenditure, as defined in this section;

63 (c) is paid out for political purposes, as defined in this section;

64 (d) is a political issues expenditure, as defined in this section; or

65 (e) is paid out for any other purpose.

66 [~~4~~] (5) "Candidate" means any person who:

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

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

71 [~~5~~] (6) "Chief election officer" means:

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

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

77 [~~6~~] (7) (a) "Contribution" means any of the following when done for political
78 purposes:

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

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

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

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

87 (v) remuneration from:

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

89 or

90 (B) any agency or subdivision of the state, including school districts;
91 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
92 (vii) in-kind contributions.
93 (b) "Contribution" does not include:
94 (i) services provided by individuals volunteering a portion or all of their time on behalf
95 of the filing entity if the services are provided without compensation by the filing entity or any
96 other person;
97 (ii) money lent to the filing entity by a financial institution in the ordinary course of
98 business; or
99 (iii) goods or services provided for the benefit of a candidate or political party at less
100 than fair market value that are not authorized by or coordinated with the candidate or political
101 party.
102 [~~(7)~~] (8) "Coordinated with" means that goods or services provided for the benefit of a
103 candidate or political party are provided:
104 (a) with the candidate's or political party's prior knowledge, if the candidate or political
105 party does not object;
106 (b) by agreement with the candidate or political party;
107 (c) in coordination with the candidate or political party; or
108 (d) using official logos, slogans, and similar elements belonging to a candidate or
109 political party.
110 [~~(8)~~] (9) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
111 organization that is registered as a corporation or is authorized to do business in a state and
112 makes any expenditure from corporate funds for:
113 (i) the purpose of expressly advocating for political purposes; or
114 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
115 proposition.
116 (b) "Corporation" does not mean:
117 (i) a business organization's political action committee or political issues committee; or
118 (ii) a business entity organized as a partnership or a sole proprietorship.
119 [~~(9)~~] (10) "County political party" means, for each registered political party, all of the
120 persons within a single county who, under definitions established by the political party, are

121 members of the registered political party.

122 ~~[(10)]~~ (11) "County political party officer" means a person whose name is required to
123 be submitted by a county political party to the lieutenant governor in accordance with Section
124 [20A-8-402](#).

125 ~~[(11)]~~ (12) "Detailed listing" means:

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

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

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

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

131 (b) for each expenditure:

132 (i) the amount of the expenditure;

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

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

135 (iv) the date the expenditure was made.

136 ~~[(12)]~~ (13) (a) "Donor₂" as it relates to a political purpose corporation, means a person
137 that gives money, including a fee, due, or assessment for membership in the corporation, to a
138 corporation without receiving full and adequate consideration for the money.

139 (b) "Donor₂" as it relates to a political purpose corporation, does not include a person
140 that signs a statement that the corporation may not use the money for an expenditure or
141 political issues expenditure.

142 ~~[(13)]~~ (14) "Election" means each:

143 (a) regular general election;

144 (b) regular primary election; and

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

146 ~~[(14)]~~ (15) "Electioneering communication" means a communication that:

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

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

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

152 ~~[(15)]~~ (16) (a) "Expenditure" means any of the following made by a reporting entity or
153 an agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

167 (b) "Expenditure" does not include:

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

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

172 (iii) anything listed in Subsection ~~[(15)]~~ (16)(a) that is given by a reporting entity to
173 candidates for office or officeholders in states other than Utah.

174 ~~[(16)]~~ (17) "Federal office" means the office of president of the United States, United
175 States Senator, or United States Representative.

176 ~~[(17)]~~ (18) "Filing entity" means the reporting entity that is required to file a financial
177 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

178 ~~[(18)]~~ (19) "Financial statement" includes any summary report, interim report, verified
179 financial statement, or other statement disclosing contributions, expenditures, receipts,
180 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
181 Retention Elections.

182 ~~[(19)]~~ (20) "Governing board" means the individual or group of individuals that

183 determine the candidates and committees that will receive expenditures from a political action
184 committee, political party, or corporation.

185 ~~[(20)]~~ (21) "Incorporation" means the process established by Title 10, Chapter 2, Part
186 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

187 ~~[(21)]~~ (22) "Incorporation election" means the election authorized by Section 10-2-111
188 or 10-2-127.

189 ~~[(22)]~~ (23) "Incorporation petition" means a petition authorized by Section 10-2-109 or
190 10-2-125.

191 ~~[(23)]~~ (24) "Individual" means a natural person.

192 ~~[(24)]~~ (25) "In-kind contribution" means anything of value, other than money, that is
193 accepted by or coordinated with a filing entity.

194 ~~[(25)]~~ (26) "Interim report" means a report identifying the contributions received and
195 expenditures made since the last report.

196 ~~[(26)]~~ (27) "Legislative office" means the office of state senator, state representative,
197 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
198 assistant whip of any party caucus in either house of the Legislature.

199 ~~[(27)]~~ (28) "Legislative office candidate" means a person who:

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

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

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

207 ~~[(28)]~~ (29) "Major political party" means either of the two registered political parties
208 that have the greatest number of members elected to the two houses of the Legislature.

209 ~~[(29)]~~ (30) "Officeholder" means a person who holds a public office.

210 ~~[(30)]~~ (31) "Party committee" means any committee organized by or authorized by the
211 governing board of a registered political party.

212 ~~[(31)]~~ (32) "Person" means both natural and legal persons, including individuals,
213 business organizations, personal campaign committees, party committees, political action

214 committees, political issues committees, and labor organizations, as defined in Section
215 [20A-11-1501](#).

216 [~~(32)~~] (33) "Personal campaign committee" means the committee appointed by a
217 candidate to act for the candidate as provided in this chapter.

218 [~~(33)~~] (34) "Personal use expenditure" has the same meaning as provided under Section
219 [20A-11-104](#).

220 [~~(34)~~] (35) (a) "Political action committee" means an entity, or any group of
221 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

230 (i) a party committee;

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

233 (iii) an individual;

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

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

238 (vi) a personal campaign committee.

239 [~~(35)~~] (36) (a) "Political consultant" means a person who is paid by a reporting entity,
240 or paid by another person on behalf of and with the knowledge of the reporting entity, to
241 provide political advice to the reporting entity.

242 (b) "Political consultant" includes a circumstance described in Subsection [~~(35)~~]
243 [\(36\)](#)(a), where the person:

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

245 (ii) expects to be paid in the future, with money or other consideration; or
246 (iii) understands that the person may, in the discretion of the reporting entity or another
247 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
248 money or other consideration.

249 ~~[(36)]~~ (37) "Political convention" means a county or state political convention held by
250 a registered political party to select candidates.

251 ~~[(37)]~~ (38) (a) "Political issues committee" means an entity, or any group of individuals
252 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

265 (iii) an individual;

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

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

270 ~~[(38)]~~ (39) (a) "Political issues contribution" means any of the following:

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

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

275 (iii) any transfer of funds received by a political issues committee from a reporting

276 entity;

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

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

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

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

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

286 [~~(39)~~] (40) (a) "Political issues expenditure" means any of the following when made by
287 a political issues committee or on behalf of a political issues committee by an agent of the
288 reporting entity:

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

291 (A) a ballot proposition; or

292 (B) an incorporation petition or incorporation election;

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

295 (A) a ballot proposition; or

296 (B) an incorporation petition or incorporation election;

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

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

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

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

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

306 (ii) money lent to a political issues committee by a financial institution in the ordinary

307 course of business.

308 (41) "Political purpose corporation" means a corporation that makes, or is organized
309 with the intention of making, expenditures, political issues expenditures, or in-kind
310 contributions with a combined value that exceeds 50% of the corporation's business
311 expenditures.

312 [~~(40)~~] (42) "Political purposes" means an act done with the intent or in a way to
313 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
314 for or against any candidate or a person seeking a municipal or county office at any caucus,
315 political convention, or election.

316 [~~(41)~~] (43) (a) "Poll" means the survey of a person regarding the person's opinion or
317 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
318 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
319 person or by telephone, facsimile, Internet, postal mail, or email.

320 (b) "Poll" does not include:

321 (i) a ballot; or

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

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

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

325 [~~(42)~~] (44) "Primary election" means any regular primary election held under the
326 election laws.

327 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
328 sharing a common occupation, interest, or association that contribute to a political action
329 committee or political issues committee and whose names can be obtained by contacting the
330 political action committee or political issues committee upon whose financial statement the
331 individuals are listed.

332 [~~(43)~~] (46) "Public office" means the office of governor, lieutenant governor, state
333 auditor, state treasurer, attorney general, state school board member, state senator, state
334 representative, speaker of the House of Representatives, president of the Senate, and the leader,
335 whip, and assistant whip of any party caucus in either house of the Legislature.

336 [~~(44)~~] (47) (a) "Public service assistance" means the following when given or provided
337 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to

338 communicate with the officeholder's constituents:

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

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

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

344 (i) anything provided by the state;

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

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

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

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

353 [~~(46)~~] (48) "Receipts" means contributions and public service assistance.

354 [~~(47)~~] (49) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
355 Lobbyist Disclosure and Regulation Act.

356 [~~(48)~~] (50) "Registered political action committee" means any political action
357 committee that is required by this chapter to file a statement of organization with the Office of
358 the Lieutenant Governor.

359 [~~(49)~~] (51) "Registered political issues committee" means any political issues
360 committee that is required by this chapter to file a statement of organization with the Office of
361 the Lieutenant Governor.

362 [~~(50)~~] (52) "Registered political party" means an organization of voters that:

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

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

368 [~~(51)~~] (53) (a) "Remuneration" means a payment:

369 (i) made to a legislator for the period the Legislature is in session; and
370 (ii) that is approximately equivalent to an amount a legislator would have earned
371 during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

377 ~~[(52)]~~ (54) "Reporting entity" means a candidate, a candidate's personal campaign
378 committee, a judge, a judge's personal campaign committee, an officeholder, a party
379 committee, a political action committee, a political issues committee, a political purpose
380 corporation, or a labor organization, as defined in Section [20A-11-1501](#).

381 ~~[(53)]~~ (55) "School board office" means the office of state school board.

382 ~~[(54)]~~ (56) (a) "Source" means the person or entity that is the legal owner of the
383 tangible or intangible asset that comprises the contribution.

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

387 ~~[(55)]~~ (57) "State office" means the offices of governor, lieutenant governor, attorney
388 general, state auditor, and state treasurer.

389 ~~[(56)]~~ (58) "State office candidate" means a person who:

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

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

394 ~~[(57)]~~ (59) "Summary report" means the year end report containing the summary of a
395 reporting entity's contributions and expenditures.

396 ~~[(58)]~~ (60) "Supervisory board" means the individual or group of individuals that
397 allocate expenditures from a political issues committee.

398 Section 2. Section **20A-11-601** is amended to read:

399 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**

400 **providing false information or accepting unlawful contribution.**

401 (1) (a) Each political action committee shall file a statement of organization with the
402 lieutenant governor's office by January 10 of each year, unless the political action committee
403 has filed a notice of dissolution under Subsection (4).

404 (b) If a political action committee is organized after the January 10 filing date, the
405 political action committee shall file an initial statement of organization no later than seven days
406 after:

407 (i) receiving contributions totaling at least \$750; or

408 (ii) distributing expenditures for political purposes totaling at least \$50.

409 (2) (a) Each political action committee shall designate two officers who have primary
410 decision-making authority for the political action committee.

411 (b) A person may not exercise primary decision-making authority for a political action
412 committee who is not designated under Subsection (2)(a).

413 (3) The statement of organization shall include:

414 (a) the name and address of the political action committee;

415 (b) the name, street address, phone number, occupation, and title of the two primary
416 officers designated under Subsection (2)(a);

417 (c) the name, street address, occupation, and title of all other officers of the political
418 action committee;

419 (d) the name and street address of the organization, individual corporation, association,
420 unit of government, or union that the political action committee represents, if any;

421 (e) the name and street address of all affiliated or connected organizations and their
422 relationships to the political action committee;

423 (f) the name, street address, business address, occupation, and phone number of the
424 committee's treasurer or chief financial officer; and

425 (g) the name, street address, and occupation of each member of the governing and
426 advisory boards, if any.

427 (4) (a) Any registered political action committee that intends to permanently cease
428 operations shall file a notice of dissolution with the lieutenant governor's office.

429 (b) Any notice of dissolution filed by a political action committee does not exempt that
430 political action committee from complying with the financial reporting requirements of this

431 chapter.

432 (5) (a) Unless the political action committee has filed a notice of dissolution under
433 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
434 notice of any change of an officer described in Subsection (2)(a).

435 (b) Notice of a change of a primary officer described in Subsection (2)(a) shall:

436 (i) be filed within 10 days of the date of the change; and

437 (ii) contain the name and title of the officer being replaced, and the name, street
438 address, occupation, and title of the new officer.

439 (6) (a) A person is guilty of providing false information in relation to a political action
440 committee if the person intentionally or knowingly gives false or misleading material
441 information in the statement of organization or the notice of change of primary officer.

442 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
443 unlawful contribution if the political action committee knowingly or recklessly accepts a
444 contribution from a political purpose corporation that:

445 (i) was organized less than 90 days before the date of the general election; and

446 (ii) at the time the political action committee accepts the contribution, has failed to file
447 a statement of organization with the lieutenant governor's office as required by Section
448 [20A-11-704](#).

449 (c) A violation of this Subsection (6) is a third degree felony.

450 Section 3. Section **20A-11-701** is amended to read:

451 **20A-11-701. Campaign financial reporting by political purpose corporations --**
452 **Filing requirements -- Statement contents -- Donor reporting and notification required.**

453 (1) (a) Each political purpose corporation [~~that has made expenditures for political~~
454 ~~purposes that total at least \$750 during a calendar year~~] shall file a verified financial statement
455 with the lieutenant governor's office:

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

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

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

459 (iv) on August 31; and

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

461 (b) The political purpose corporation shall report:

- 462 (i) a detailed listing of all expenditures made since the last financial statement;
- 463 (ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all
- 464 expenditures as of five days before the required filing date of the financial statement; and
- 465 (iii) whether the political purpose corporation, including an officer of the political
- 466 purpose corporation, director of the political purpose corporation, or person with at least 10%
- 467 ownership in the political purpose corporation:
- 468 (A) has bid since the last financial statement on a contract, as defined in Section
- 469 [63G-6a-103](#), in excess of \$100,000;
- 470 (B) is currently bidding on a contract, as defined in Section [63G-6a-103](#), in excess of
- 471 \$100,000; or
- 472 (C) is a party to a contract, as defined in Section [63G-6a-103](#), in excess of \$100,000.
- 473 (c) The political purpose corporation need not file a financial statement under this
- 474 section if the political purpose corporation made no expenditures during the reporting period.
- 475 (2) The financial statement shall include:
- 476 (a) the name and address of each reporting entity that received an expenditure from the
- 477 political purpose corporation, and the amount of each expenditure;
- 478 (b) the total amount of expenditures disbursed by the political purpose corporation:
- 479 (i) since the last financial statement; and
- 480 (ii) during the calendar year;
- 481 (c) (i) a statement that the political purpose corporation did not receive any money
- 482 from any donor during the calendar year or the previous calendar year that the political purpose
- 483 corporation has not reported in a previous financial statement; or
- 484 (ii) a report, described in Subsection (3), of the money received from donors during the
- 485 calendar year or the previous calendar year that the political purpose corporation has not
- 486 reported in a previous financial statement; and
- 487 (d) a statement by the corporation's treasurer or chief financial officer certifying the
- 488 accuracy of the financial statement.
- 489 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
- 490 (i) the name and address of each donor;
- 491 (ii) the amount of the money received by the political purpose corporation from each
- 492 donor; and

- 493 (iii) the date on which the political purpose corporation received the money.
- 494 (b) A political purpose corporation shall report money received from donors in the
495 following order:
- 496 (i) first, beginning with the least recent date on which the political purpose corporation
497 received money that the political purpose corporation has not reported in a previous financial
498 statement, the money received from a donor that:
- 499 (A) requests that the political purpose corporation use the money to make an
500 expenditure;
- 501 (B) gives the money to the political purpose corporation in response to a solicitation
502 indicating the political purpose corporation's intent to make an expenditure; or
- 503 (C) knows that the political purpose corporation may use the money to make an
504 expenditure; and
- 505 (ii) second, divide the difference between the total amount of expenditures made since
506 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)
507 on a proration basis between all donors that:
- 508 (A) are not described in Subsection (3)(b)(i);
- 509 (B) gave at least \$50 during the calendar year or previous calendar year; and
- 510 (C) have not been reported in a previous financial statement.
- 511 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
512 expenditures made since the last financial statement, the financial statement shall contain a
513 statement that the political purpose corporation has reported all donors that gave money, and all
514 money received by donors, during the calendar year or previous calendar year that the political
515 purpose corporation has not reported in a previous financial statement.
- 516 (d) The political purpose corporation shall indicate on the financial statement that the
517 amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.
- 518 (e) (i) For all individual donations of \$50 or less, the political purpose corporation may
519 report a single aggregate figure without separate detailed listings.
- 520 (ii) The political purpose corporation:
- 521 (A) may not report in the aggregate two or more donations from the same source that
522 have an aggregate total of more than \$50; and
- 523 (B) shall separately report donations described in Subsection (3)(e)(ii)(A).

524 (4) [~~If a corporation makes expenditures that total at least \$750 during a calendar year,~~
525 ~~the~~] A political purpose corporation shall notify a person giving money to the political purpose
526 corporation that:

527 (a) the political purpose corporation may use the money to make an expenditure; and

528 (b) the person's name and address may be disclosed on the political purpose
529 corporation's financial statement.

530 Section 4. Section **20A-11-702** is amended to read:

531 **20A-11-702. Campaign financial reporting of political issues expenditures by**
532 **political purpose corporations -- Financial reporting -- Donor reporting and notification**
533 **required.**

534 (1) (a) Each political purpose corporation that has made political issues expenditures
535 on current or proposed ballot issues [~~that total at least \$750~~] during a calendar year shall file a
536 verified financial statement with the lieutenant governor's office:

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

538 (ii) seven days before the state political convention of each major political party;

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

540 (iv) on August 31; and

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

542 (b) The political purpose corporation shall report:

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

544 (ii) for financial statements under Subsections (1)(a)(ii) through (v), expenditures as of
545 five days before the required filing date of the financial statement.

546 (c) The political purpose corporation need not file a statement under this section if it
547 made no expenditures during the reporting period.

548 (2) That statement shall include:

549 (a) the name and address of each individual, entity, or group of individuals or entities
550 that received a political issues expenditure of more than \$50 from the political purpose
551 corporation, and the amount of each political issues expenditure;

552 (b) the total amount of political issues expenditures disbursed by the political purpose
553 corporation:

554 (i) since the last financial statement; and

- 555 (ii) during the calendar year;
- 556 (c) (i) a statement that the political purpose corporation did not receive any money
557 from any donor during the calendar year or the previous calendar year that the corporation has
558 not reported in a previous financial statement; or
- 559 (ii) a report, described in Subsection (3), of the money received from donors during the
560 calendar year or the previous calendar year that the political purpose corporation has not
561 reported in a previous financial statement; and
- 562 (d) a statement by the political purpose corporation's treasurer or chief financial officer
563 certifying the accuracy of the verified financial statement.
- 564 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
- 565 (i) the name and address of each donor;
- 566 (ii) the amount of the money received by the political purpose corporation from each
567 donor; and
- 568 (iii) the date on which the political purpose corporation received the money.
- 569 (b) A political purpose corporation shall report money received from donors in the
570 following order:
- 571 (i) first, beginning with the least recent date on which the political purpose corporation
572 received money that has not been reported in a previous financial statement, the money
573 received from a donor that:
- 574 (A) requests that the political purpose corporation use the money to make a political
575 issues expenditure;
- 576 (B) gives the money to the political purpose corporation in response to a solicitation
577 indicating the corporation's intent to make a political issues expenditure; or
- 578 (C) knows that the political purpose corporation may use the money to make a political
579 issues expenditure; and
- 580 (ii) second, divide the difference between the total amount of political issues
581 expenditures made since the last financial statement and the total amount of money reported
582 under Subsection (3)(b)(i) on a proration basis between all donors that:
- 583 (A) are not described in Subsection (3)(b)(i);
- 584 (B) gave at least \$50 during the calendar year or previous calendar year; and
- 585 (C) have not been reported in a previous financial statement.

586 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
587 political issues expenditures made since the last financial statement, the financial statement
588 shall contain a statement that the corporation has reported all donors that gave money, and all
589 money received by donors, during the calendar year or previous calendar year that the
590 corporation has not reported in a previous financial statement.

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

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

595 (ii) The political purpose corporation:

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

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

599 (4) If a political purpose corporation makes political issues expenditures [~~that total at~~
600 ~~least \$750~~] during a calendar year, the political purpose corporation shall notify a person giving
601 money to the corporation that:

602 (a) the political purpose corporation may use the money to make a political issues
603 expenditure; and

604 (b) the person's name and address may be disclosed on the political purpose
605 corporation's financial statement.

606 Section 5. Section **20A-11-703** is amended to read:

607 **20A-11-703. Criminal penalties -- Fines.**

608 (1) Within 30 days after a deadline for the filing of any statement required by this part,
609 the lieutenant governor shall review each filed statement to ensure that:

610 (a) each political purpose corporation that is required to file a statement has filed one;
611 and

612 (b) each statement contains the information required by this part.

613 (2) If it appears that any political purpose corporation has failed to file any statement, if
614 it appears that a filed statement does not conform to the law, or if the lieutenant governor has
615 received a written complaint alleging a violation of the law or the falsity of any statement, the
616 lieutenant governor shall:

617 (a) impose a fine against the political purpose corporation in accordance with Section
618 20A-11-1005; and

619 (b) within five days of discovery of a violation or receipt of a written complaint, notify
620 the political purpose corporation of the violation or written complaint and direct the political
621 purpose corporation to file a statement correcting the problem.

622 (3) (a) It is unlawful for any political purpose corporation to fail to file or amend a
623 statement within seven days after receiving notice from the lieutenant governor under this
624 section.

625 (b) Each political purpose corporation that violates Subsection (3)(a) is guilty of a class
626 B misdemeanor.

627 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
628 attorney general.

629 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
630 governor shall impose a civil fine of \$1,000 against a political purpose corporation that violates
631 Subsection (3)(a).

632 Section 6. Section 20A-11-704 is amended to read:

633 **20A-11-704. Statement of organization required for certain new political purpose**
634 **corporations.**

635 (1) A political purpose corporation that is incorporated, organized, or otherwise created
636 less than 90 days before the date of a general election shall file a statement of organization with
637 the lieutenant governor's office before making a contribution to a political action committee or
638 a political issues committee in association with the election.

639 (2) The statement of organization shall include:

640 (a) the name and street address of the political purpose corporation;

641 (b) the name, street address, phone number, occupation, and title of one or more
642 individuals that have primary decision-making authority for the political purpose corporation;

643 (c) the name, street address, phone number, occupation, and title of the political
644 purpose corporation's chief financial officer;

645 (d) the name, street address, occupation, and title of all other officers or managers of
646 the political purpose corporation; and

647 (e) the name, street address, and occupation of each member of the political purpose

648 corporation's governing and advisory boards, if any.

649 Section 7. Section **20A-11-705** is enacted to read:

650 **20A-11-705. Notice of in-kind contributions.**

651 (1) A corporation that makes an in-kind contribution to a reporting entity shall, within
652 seven days after the day on which the corporation makes the in-kind contribution, provide the
653 reporting entity a written notice that includes:

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

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

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

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

658 (2) A corporation that provides, and a reporting entity that receives, the written notice
659 described in Subsection (1) shall retain a copy of the notice for five years after the day on
660 which the written notice is provided to the reporting entity.

661 (3) A corporation or reporting entity that fails to comply with the requirements of this
662 section is guilty of a class B misdemeanor.

663 (4) A person that intentionally or knowingly provides, or conspires to provide, false
664 information on a written notice described in this section is guilty of a class B misdemeanor.

665 Section 8. Section **20A-11-801** is amended to read:

666 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
667 **providing false information or accepting unlawful contribution.**

668 (1) (a) Each political issues committee shall file a statement of organization with the
669 lieutenant governor's office by January 10 of each year, unless the political issues committee
670 has filed a notice of dissolution under Subsection (4).

671 (b) If a political issues committee is organized after the January 10 filing date, the
672 political issues committee shall file an initial statement of organization no later than seven days
673 after:

674 (i) receiving political issues contributions totaling at least \$750; or

675 (ii) disbursing political issues expenditures totaling at least \$50.

676 (2) Each political issues committee shall designate two officers that have primary
677 decision-making authority for the political issues committee.

678 (3) The statement of organization shall include:

- 679 (a) the name and street address of the political issues committee;
- 680 (b) the name, street address, phone number, occupation, and title of the two primary
681 officers designated under Subsection (2);
- 682 (c) the name, street address, occupation, and title of all other officers of the political
683 issues committee;
- 684 (d) the name and street address of the organization, individual, corporation,
685 association, unit of government, or union that the political issues committee represents, if any;
- 686 (e) the name and street address of all affiliated or connected organizations and their
687 relationships to the political issues committee;
- 688 (f) the name, street address, business address, occupation, and phone number of the
689 committee's treasurer or chief financial officer;
- 690 (g) the name, street address, and occupation of each member of the supervisory and
691 advisory boards, if any; and
- 692 (h) the ballot proposition whose outcome they wish to affect, and whether they support
693 or oppose it.
- 694 (4) (a) Any registered political issues committee that intends to permanently cease
695 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
696 office.
- 697 (b) Any notice of dissolution filed by a political issues committee does not exempt that
698 political issues committee from complying with the financial reporting requirements of this
699 chapter.
- 700 (5) (a) Unless the political issues committee has filed a notice of dissolution under
701 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
702 notice of any change of an officer described in Subsection (2).
- 703 (b) Notice of a change of a primary officer described in Subsection (2) shall:
- 704 (i) be filed within 10 days of the date of the change; and
- 705 (ii) contain the name and title of the officer being replaced and the name, street
706 address, occupation, and title of the new officer.
- 707 (6) (a) A person is guilty of providing false information in relation to a political issues
708 committee if the person intentionally or knowingly gives false or misleading material
709 information in the statement of organization or the notice of change of primary officer.

710 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
711 contribution if the political issues committee knowingly or recklessly accepts a contribution
712 from a political purpose corporation that:

713 (i) was organized less than 90 days before the date of the general election; and
714 (ii) at the time the political issues committee accepts the contribution, has failed to file
715 a statement of organization with the lieutenant governor's office as required by Section
716 [20A-11-704](#).

717 (c) A violation of this Subsection (6) is a third degree felony.

718 Section 9. Section **20A-11-1004** is amended to read:

719 **20A-11-1004. Summary of financial reports of political action committees and**
720 **political purpose corporations.**

721 (1) The lieutenant governor's office shall prepare a summary of each financial report
722 submitted by each political purpose corporation, political action committee, and political issues
723 committee.

724 (2) Each summary shall include the following information:

725 (a) for each candidate:

726 (i) the name of each political action committee and political purpose corporation that
727 made expenditures to the candidate; and

728 (ii) the aggregate total of expenditures made by each political action committee and
729 political purpose corporation to the candidate;

730 (b) for each political action committee:

731 (i) the name of each individual or organization listed on the financial report that made
732 contributions to the political action committee and the aggregate total of contributions made by
733 each individual or organization listed on the financial report to the political action committee;
734 and

735 (ii) the name of each candidate, personal campaign committee, and political action
736 committee that received expenditures from a political action committee and the aggregate total
737 of expenditures made to each candidate, personal campaign committee, and political action
738 committee;

739 (c) for each political purpose corporation:

740 (i) the name of each candidate, personal campaign committee, and political action

741 committee that received expenditures from the political purpose corporation, and the aggregate
742 total of expenditures made by the political purpose corporation to each candidate, personal
743 campaign committee, and political action committee; and

744 (ii) the name of each individual, entity, or group of individuals or entities that received
745 disbursements from the political purpose corporation, and the aggregate total of disbursements
746 made by the political purpose corporation to each individual, entity, or group of individuals or
747 entities;

748 (d) for each political issues committee:

749 (i) the name of each individual or organization listed on the financial report that made
750 political issues contributions to the political issues committee and the aggregate total of
751 political issues contributions made by each individual or organization listed on the financial
752 report to the political issues committee; and

753 (ii) the name of each individual, entity, or group of individuals or entities that received
754 political issues expenditures from a political issues committee and the aggregate total of
755 political issues expenditures made to each individual, entity, or group of individuals or entities.

756 Section 10. Section **36-11-102** is amended to read:

757 **36-11-102. Definitions.**

758 As used in this chapter:

759 (1) "Aggregate daily expenditures" means:

760 (a) for a single lobbyist, principal, or government officer, the total of all expenditures
761 made within a calendar day by the lobbyist, principal, or government officer for the benefit of
762 an individual public official;

763 (b) for an expenditure made by a member of a lobbyist group, the total of all
764 expenditures made within a calendar day by every member of the lobbyist group for the benefit
765 of an individual public official; or

766 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient
767 lobbyist within a calendar day for the benefit of an individual public official, regardless of
768 whether the expenditures were attributed to different clients.

769 (2) "Approved meeting or activity" means a meeting or activity:

770 (a) (i) to which a legislator is invited; and

771 (ii) attendance at which is approved by:

772 (A) the speaker of the House of Representatives, if the public official is a member of
773 the House of Representatives; or

774 (B) the president of the Senate, if the public official is a member of the Senate; or

775 (b) (i) to which a public official who holds a position in the executive branch of state
776 government is invited; and

777 (ii) attendance at which is approved by the governor or the lieutenant governor.

778 (3) "Capitol hill complex" is as defined in Section [63C-9-102](#).

779 (4) (a) "Compensation" means anything of economic value, however designated, that is
780 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
781 services or ownership before any withholding required by federal or state law.

782 (b) "Compensation" includes:

783 (i) a salary or commission;

784 (ii) a bonus;

785 (iii) a benefit;

786 (iv) a contribution to a retirement program or account;

787 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
788 Code, and subject to Social Security deductions, including a payment in excess of the
789 maximum amount subject to deduction under Social Security law;

790 (vi) an amount that the individual authorizes to be deducted or reduced for salary
791 deferral or other benefits authorized by federal law; or

792 (vii) income based on an individual's ownership interest.

793 (5) "Compensation payor" means a person who pays compensation to a public official
794 in the ordinary course of business:

795 (a) because of the public official's ownership interest in the compensation payor; or

796 (b) for services rendered by the public official on behalf of the compensation payor.

797 (6) "Executive action" means:

798 (a) a nomination or appointment by the governor;

799 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
800 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

801 (c) agency ratemaking proceedings; or

802 (d) an adjudicative proceeding of a state agency.

803 (7) (a) "Expenditure" means any of the items listed in this Subsection (7)(a) when
 804 given to or for the benefit of a public official unless consideration of equal or greater value is
 805 received:

- 806 (i) a purchase, payment, or distribution;
- 807 (ii) a loan, gift, or advance;
- 808 (iii) a deposit, subscription, or forbearance;
- 809 (iv) services or goods;
- 810 (v) money;
- 811 (vi) real property;
- 812 (vii) a ticket or admission to a sporting, recreational, or artistic event; or
- 813 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
 814 any item listed in Subsections (7)(a)(i) through (vii).

815 (b) "Expenditure" does not mean:

- 816 (i) a commercially reasonable loan made in the ordinary course of business;
- 817 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,
 818 Campaign and Financial Reporting Requirements;
- 819 (iii) printed informational material that is related to the performance of the recipient's
 820 official duties;
- 821 (iv) a devise or inheritance;
- 822 (v) any item listed in Subsection (7)(a) if:
 - 823 (A) given by a relative;
 - 824 (B) given by a compensation payor for a purpose solely unrelated to the public
 825 official's position as a public official; ~~or~~

826 (C) the item is food or beverage with a value that does not exceed \$25 and the
 827 aggregate daily expenditures for food and beverage do not exceed \$25; or

828 ~~[(C)-(F)]~~ (D) the item is not food or beverage, has a value of less than \$10[;], and [(H)]
 829 the aggregate daily expenditures for items that are not food or beverage do not exceed \$10;

830 (vi) food or beverage that is provided at an event to which the following are invited:

- 831 (A) all members of the Legislature;
- 832 (B) all members of a standing or interim committee;
- 833 (C) all members of an official legislative task force;

- 834 (D) all members of a party caucus; or
- 835 (E) all members of a group described in Subsections (7)(b)(vi)(A) through (D) who are
- 836 attending a meeting of a national organization whose primary purpose is addressing general
- 837 legislative policy;
- 838 (vii) food or beverage that is provided at an event to a public official who is:
- 839 (A) giving a speech at the event;
- 840 (B) participating in a panel discussion at the event; or
- 841 (C) presenting or receiving an award at the event;
- 842 (viii) a plaque, commendation, or award presented in public and having a cash value
- 843 not exceeding \$50;
- 844 (ix) admission to or attendance at an event, the primary purpose of which is:
- 845 (A) to solicit contributions reportable under:
- 846 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
- 847 (II) 2 U.S.C. Sec. 434; or
- 848 (B) charitable solicitation, as defined in Section [13-22-2](#);
- 849 (x) travel to, lodging at, food or beverage served at, and admission to an approved
- 850 meeting or activity;
- 851 (xi) sponsorship of an official event or official entertainment of an approved meeting
- 852 or activity;
- 853 (xii) notwithstanding Subsection (7)(a)(vii), admission to or attendance at an event:
- 854 (A) that is sponsored by a governmental entity; or
- 855 (B) that is widely attended and related to a governmental duty of a public official; or
- 856 (xiii) travel to a widely attended event related to a governmental duty of a public
- 857 official if that travel results in a financial savings to the state.
- 858 (8) (a) "Government officer" means:
- 859 (i) an individual elected to a position in state or local government, when acting within
- 860 the government officer's official capacity; or
- 861 (ii) an individual appointed to or employed in a full-time position by state or local
- 862 government, when acting within the scope of the individual's employment.
- 863 (b) "Government officer" does not mean a member of the legislative branch of state
- 864 government.

- 865 (9) "Immediate family" means:
- 866 (a) a spouse;
- 867 (b) a child residing in the household; or
- 868 (c) an individual claimed as a dependent for tax purposes.
- 869 (10) "Legislative action" means:
- 870 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 871 proposed in either house of the Legislature or its committees or requested by a legislator; and
- 872 (b) the action of the governor in approving or vetoing legislation.
- 873 (11) "Lobbying" means communicating with a public official for the purpose of
- 874 influencing the passage, defeat, amendment, or postponement of legislative or executive action.
- 875 (12) (a) "Lobbyist" means:
- 876 (i) an individual who is employed by a principal; or
- 877 (ii) an individual who contracts for economic consideration, other than reimbursement
- 878 for reasonable travel expenses, with a principal to lobby a public official.
- 879 (b) "Lobbyist" does not include:
- 880 (i) a government officer;
- 881 (ii) a member or employee of the legislative branch of state government;
- 882 (iii) a person while appearing at, or providing written comments to, a hearing
- 883 conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or
- 884 Title 63G, Chapter 4, Administrative Procedures Act;
- 885 (iv) a person participating on or appearing before an advisory or study task force,
- 886 commission, board, or committee, constituted by the Legislature or any agency or department
- 887 of state government, except legislative standing, appropriation, or interim committees;
- 888 (v) a representative of a political party;
- 889 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 890 the right to practice the religious doctrines of the church, unless the individual or church makes
- 891 an expenditure that confers a benefit on a public official;
- 892 (vii) a newspaper, television station or network, radio station or network, periodical of
- 893 general circulation, or book publisher for the purpose of publishing news items, editorials,
- 894 other comments, or paid advertisements that directly or indirectly urge legislative or executive
- 895 action; or

896 (viii) an individual who appears on the individual's own behalf before a committee of
897 the Legislature or an agency of the executive branch of state government solely for the purpose
898 of testifying in support of or in opposition to legislative or executive action.

899 (13) "Lobbyist group" means two or more lobbyists, principals, government officers, or
900 any combination of lobbyists, principals, and officers who each contribute a portion of an
901 expenditure made to benefit a public official or member of the public official's immediate
902 family.

903 (14) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
904 who represents two or more clients and divides the aggregate daily expenditure made to benefit
905 a public official or member of the public official's immediate family between two or more of
906 those clients.

907 (15) "Principal" means a person that employs an individual to perform lobbying, either
908 as an employee or as an independent contractor.

909 (16) "Public official" means:

910 (a) (i) a member of the Legislature;

911 (ii) an individual elected to a position in the executive branch of state government; or

912 (iii) an individual appointed to or employed in a position in the executive or legislative
913 branch of state government if that individual:

914 (A) occupies a policymaking position or makes purchasing or contracting decisions;

915 (B) drafts legislation or makes rules;

916 (C) determines rates or fees; or

917 (D) makes adjudicative decisions; or

918 (b) an immediate family member of a person described in Subsection (16)(a).

919 (17) "Public official type" means a notation to identify whether a public official is:

920 (a) (i) a member of the Legislature;

921 (ii) an individual elected to a position in the executive branch of state government;

922 (iii) an individual appointed to or employed in a position in the legislative branch of
923 state government who meets the definition of public official under Subsection (16)(a)(iii); or

924 (iv) an individual appointed to or employed in a position in the executive branch of
925 state government who meets the definition of public official under Subsection (16)(a)(iii); or

926 (b) an immediate family member of a person described in Subsection (16)(a).

927 (18) "Quarterly reporting period" means the three-month period covered by each
928 financial report required under Subsection 36-11-201(2)(a).

929 (19) "Related person" means a person, agent, or employee who knowingly and
930 intentionally assists a lobbyist, principal, or government officer in lobbying.

931 (20) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,
932 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse
933 of any of these individuals.

934 Section 11. Section 36-11-201 is amended to read:

935 **36-11-201. Lobbyist, principal, and government officer financial reporting**
936 **requirements -- Prohibition for related person to make expenditures.**

937 (1) (a) (i) [~~A~~] Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial
938 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

939 (ii) [~~Ha~~] A lobbyist who has not made an expenditure during [the] a quarterly reporting
940 period[~~, the lobbyist shall file a financial report listing the amount of expenditures as "none."~~]
941 is not required to file a quarterly financial report for that quarterly reporting period.

942 (iii) A lobbyist who is not required to file any quarterly reports under this section for a
943 calendar year shall, on or before January 10 of the following year, file a financial report listing
944 the amount of the expenditures for the entire preceding year as "none."

945 (b) A government officer or principal that makes an expenditure during any of the
946 quarterly reporting periods under Subsection (2)(a) shall file a financial report with the
947 lieutenant governor on or before the date that a report for that quarter is due.

948 (2) (a) A financial report is due quarterly on the following dates:

949 (i) April 10, for the period of January 1 through March 31;

950 (ii) July 10, for the period of April 1 through June 30;

951 (iii) October 10, for the period of July 1 through September 30; and

952 (iv) January 10, for the period of October 1 through December 31 of the previous year.

953 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
954 the report is due on the next succeeding business day.

955 (c) A financial report is timely filed if it is filed electronically before the close of
956 regular office hours on or before the due date.

957 (3) A financial report shall contain:

- 958 (a) the total amount of expenditures made to benefit any public official during the
- 959 quarterly reporting period;
- 960 (b) the total amount of expenditures made, by the type of public official, during the
- 961 quarterly reporting period;
- 962 (c) for the financial report due on January 10:
- 963 (i) the total amount of expenditures made to benefit any public official during the last
- 964 calendar year; and
- 965 (ii) the total amount of expenditures made, by the type of public official, during the last
- 966 calendar year;
- 967 (d) a disclosure of each expenditure made during the quarterly reporting period to
- 968 reimburse or pay for travel or lodging for a public official, including:
- 969 (i) each travel destination and each lodging location;
- 970 (ii) the name of each public official who benefitted from the expenditure on travel or
- 971 lodging;
- 972 (iii) the public official type of each public official named;
- 973 (iv) for each public official named, a listing of the amount and purpose of each
- 974 expenditure made for travel or lodging; and
- 975 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 976 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the
- 977 quarterly reporting period including:
- 978 (i) the date and purpose of the expenditure;
- 979 (ii) the location of the expenditure;
- 980 (iii) the name of any public official benefitted by the expenditure;
- 981 (iv) the type of the public official benefitted by the expenditure; and
- 982 (v) the total monetary worth of the benefit that the expenditure conferred on any public
- 983 official;
- 984 (f) for each public official who was employed by the lobbyist, principal, or government
- 985 officer, a list that provides:
- 986 (i) the name of the public official; and
- 987 (ii) the nature of the employment with the public official;
- 988 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,

989 principal, or government officer made an expenditure to a public official;

990 (h) a description of each executive action on behalf of which the lobbyist, principal, or
991 government officer made an expenditure to a public official;

992 (i) the general purposes, interests, and nature of the entities that the lobbyist, principal,
993 or government officer filing the report represents; and

994 (j) for a lobbyist, a certification that the information provided in the report is true,
995 accurate, and complete to the lobbyist's best knowledge and belief.

996 (4) A related person may not, while assisting a lobbyist, principal, or government
997 officer in lobbying, make an expenditure that benefits a public official under circumstances that
998 would otherwise fall within the disclosure requirements of this chapter if the expenditure was
999 made by the lobbyist, principal, or government officer.

1000 (5) The lieutenant governor shall:

1001 (a) (i) develop a preprinted form for a financial report required by this section; and

1002 (ii) make copies of the form available to a lobbyist, principal, or government officer
1003 who requests a form; and

1004 (b) provide a reporting system that allows a lobbyist, principal, or government officer
1005 to submit a financial report required by this chapter via the Internet.

1006 (6) (a) A lobbyist and a principal shall continue to file a financial report required by
1007 this section until the lobbyist or principal files a statement with the lieutenant governor that:

1008 (i) states:

1009 (A) for a lobbyist, that the lobbyist has ceased lobbying activities; or

1010 (B) for a principal, that the principal no longer employs an individual as a lobbyist;

1011 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's
1012 license;

1013 (iii) contains a listing, as required by this section, of all previously unreported
1014 expenditures that have been made through the date of the statement; and

1015 (iv) states that the lobbyist or principal will not make any additional expenditure that is
1016 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
1017 licensing requirements of this chapter.

1018 (b) [A] Except as provided in Subsection (1)(a)(ii), a person that fails to renew the
1019 lobbyist's license or otherwise ceases to be licensed is required to file a financial report

1020 quarterly until the person files the statement required by Subsection (6)(a).

1021 Section 12. Section **36-11-304** is amended to read:

1022 **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

1023 (1) Except as provided in Subsection (2), a lobbyist, principal, or government officer
1024 may not make or offer to make aggregate daily expenditures that exceed [~~\$10~~]:

1025 (a) \$25 for food or beverage; or

1026 (b) \$10 for expenditures other than food or beverage.

1027 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures
1028 that exceed [~~\$10~~] the limits described in Subsection (1):

1029 (a) for the following items, if the expenditure is reported in accordance with Section
1030 **36-11-201**:

1031 (i) food;

1032 (ii) beverage;

1033 (iii) travel;

1034 (iv) lodging; or

1035 (v) admission to or attendance at a meeting or activity that is not an approved meeting
1036 or activity; or

1037 (b) if the expenditure is made for a purpose solely unrelated to the public official's
1038 position as a public official.

1039 Section 13. Section **36-11-305.5** is amended to read:

1040 **36-11-305.5. Lobbyist requirements.**

1041 [~~(1) The lieutenant governor shall issue to each lobbyist a name tag that includes:]~~

1042 [~~(a) the word "Lobbyist" in at least 18-point type; and]~~

1043 [~~(b) the first and last name of the lobbyist, in at least 18-point type.]~~

1044 [~~(2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the~~
1045 ~~lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in~~
1046 ~~Subsection (1) in plain view.]~~

1047 ~~[(3)]~~ A lobbyist shall, at the beginning of making a communication to a public official
1048 that constitutes lobbying, inform the public official of the identity of the principal on whose
1049 behalf the lobbyist is lobbying.

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