

Senator Curtis S. Bramble proposes the following substitute bill:

**POLITICAL ACTIVITY AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines and amends terms;
- ▶ modifies requirements relating to reporting by a corporation or a lobbyist; and
- ▶ removes the requirements relating to lobbyist nametags.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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



26 [20A-11-702](#), as last amended by Laws of Utah 2013, Chapters 318 and 420

27 [20A-11-703](#), as last amended by Laws of Utah 2013, Chapter 420

28 [20A-11-704](#), as enacted by Laws of Utah 2006, Chapter 226

29 [20A-11-801](#), as last amended by Laws of Utah 2008, Chapter 225

30 [20A-11-1004](#), as enacted by Laws of Utah 1995, Chapter 1

31 [36-11-201](#), as last amended by Laws of Utah 2010, Chapter 325

32 [36-11-305.5](#), as enacted by Laws of Utah 2014, Chapter 335

33 ENACTS:

34 [20A-11-705](#), Utah Code Annotated 1953

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

37 Section 1. Section [20A-11-101](#) is amended to read:

38 **[20A-11-101. Definitions.](#)**

39 As used in this chapter:

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

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

43 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
44 entity;

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

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

48 (d) a member of the personal campaign committee of a candidate or officeholder in the  
49 member's capacity as a member of the personal campaign committee of the candidate or  
50 officeholder; or

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

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

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

- 57            (a) is for a normal business expense;
- 58            (b) is an expenditure, as defined in this section;
- 59            (c) is paid out for political purposes, as defined in this section;
- 60            (d) is a political issues expenditure, as defined in this section; or
- 61            (e) is paid out for any other purpose.

62            ~~[(4)]~~ (5) "Candidate" means any person who:

- 63            (a) files a declaration of candidacy for a public office; or
- 64            (b) receives contributions, makes expenditures, or gives consent for any other person to
- 65 receive contributions or make expenditures to bring about the person's nomination or election
- 66 to a public office.

67            ~~[(5)]~~ (6) "Chief election officer" means:

- 68            (a) the lieutenant governor for state office candidates, legislative office candidates,
- 69 officeholders, political parties, political action committees, corporations, political issues
- 70 committees, state school board candidates, judges, and labor organizations, as defined in
- 71 Section [20A-11-1501](#); and
- 72            (b) the county clerk for local school board candidates.

73            ~~[(6)]~~ (7) (a) "Contribution" means any of the following when done for political

74 purposes:

- 75            (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 76 value given to the filing entity;
- 77            (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 78 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 79 anything of value to the filing entity;
- 80            (iii) any transfer of funds from another reporting entity to the filing entity;
- 81            (iv) compensation paid by any person or reporting entity other than the filing entity for
- 82 personal services provided without charge to the filing entity;
- 83            (v) remuneration from:
  - 84            (A) any organization or its directly affiliated organization that has a registered lobbyist;
  - 85 or
  - 86            (B) any agency or subdivision of the state, including school districts;
  - 87            (vi) a loan made by a candidate deposited to the candidate's own campaign; and

88 (vii) in-kind contributions.

89 (b) "Contribution" does not include:

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

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

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

98 ~~[(7)]~~ (8) "Coordinated with" means that goods or services provided for the benefit of a  
99 candidate or political party are provided:

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

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

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

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

106 ~~[(8)]~~ (9) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
107 organization that is registered as a corporation or is authorized to do business in a state and  
108 makes any expenditure from corporate funds for:

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

110 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
111 proposition.

112 (b) "Corporation" does not mean:

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

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

115 ~~[(9)]~~ (10) "County political party" means, for each registered political party, all of the  
116 persons within a single county who, under definitions established by the political party, are  
117 members of the registered political party.

118 ~~[(10)]~~ (11) "County political party officer" means a person whose name is required to

119 be submitted by a county political party to the lieutenant governor in accordance with Section  
120 [20A-8-402](#).

121 [~~(11)~~] (12) "Detailed listing" means:

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

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

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

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

127 (b) for each expenditure:

128 (i) the amount of the expenditure;

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

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

131 (iv) the date the expenditure was made.

132 [~~(12)~~] (13) (a) "Donor," as it relates to a political purpose corporation, means a person  
133 that gives money, including a fee, due, or assessment for membership in the corporation, to a  
134 corporation without receiving full and adequate consideration for the money.

135 (b) "Donor," as it relates to a political purpose corporation, does not include a person  
136 that signs a statement that the corporation may not use the money for an expenditure or  
137 political issues expenditure.

138 [~~(13)~~] (14) "Election" means each:

139 (a) regular general election;

140 (b) regular primary election; and

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

142 [~~(14)~~] (15) "Electioneering communication" means a communication that:

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

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

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

148 [~~(15)~~] (16) (a) "Expenditure" means any of the following made by a reporting entity or  
149 an agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

163 (b) "Expenditure" does not include:

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

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

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

170 [~~(16)~~] (17) "Federal office" means the office of president of the United States, United  
171 States Senator, or United States Representative.

172 [~~(17)~~] (18) "Filing entity" means the reporting entity that is required to file a financial  
173 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

174 [~~(18)~~] (19) "Financial statement" includes any summary report, interim report, verified  
175 financial statement, or other statement disclosing contributions, expenditures, receipts,  
176 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
177 Retention Elections.

178 [~~(19)~~] (20) "Governing board" means the individual or group of individuals that  
179 determine the candidates and committees that will receive expenditures from a political action  
180 committee, political party, or corporation.

181           ~~[(20)]~~ (21) "Incorporation" means the process established by Title 10, Chapter 2, Part  
182 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

183           ~~[(21)]~~ (22) "Incorporation election" means the election authorized by Section [10-2-111](#)  
184 or [10-2-127](#).

185           ~~[(22)]~~ (23) "Incorporation petition" means a petition authorized by Section [10-2-109](#) or  
186 [10-2-125](#).

187           ~~[(23)]~~ (24) "Individual" means a natural person.

188           ~~[(24)]~~ (25) "In-kind contribution" means anything of value, other than money, that is  
189 accepted by or coordinated with a filing entity.

190           ~~[(25)]~~ (26) "Interim report" means a report identifying the contributions received and  
191 expenditures made since the last report.

192           ~~[(26)]~~ (27) "Legislative office" means the office of state senator, state representative,  
193 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
194 assistant whip of any party caucus in either house of the Legislature.

195           ~~[(27)]~~ (28) "Legislative office candidate" means a person who:

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

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

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

203           ~~[(28)]~~ (29) "Major political party" means either of the two registered political parties  
204 that have the greatest number of members elected to the two houses of the Legislature.

205           ~~[(29)]~~ (30) "Officeholder" means a person who holds a public office.

206           ~~[(30)]~~ (31) "Party committee" means any committee organized by or authorized by the  
207 governing board of a registered political party.

208           ~~[(31)]~~ (32) "Person" means both natural and legal persons, including individuals,  
209 business organizations, personal campaign committees, party committees, political action  
210 committees, political issues committees, and labor organizations, as defined in Section  
211 [20A-11-1501](#).

212            [~~(32)~~] (33) "Personal campaign committee" means the committee appointed by a  
213 candidate to act for the candidate as provided in this chapter.

214            [~~(33)~~] (34) "Personal use expenditure" has the same meaning as provided under Section  
215 [20A-11-104](#).

216            [~~(34)~~] (35) (a) "Political action committee" means an entity, or any group of  
217 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

226            (i) a party committee;

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

229            (iii) an individual;

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

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

234            (vi) a personal campaign committee.

235            [~~(35)~~] (36) (a) "Political consultant" means a person who is paid by a reporting entity,  
236 or paid by another person on behalf of and with the knowledge of the reporting entity, to  
237 provide political advice to the reporting entity.

238            (b) "Political consultant" includes a circumstance described in Subsection [~~(35)~~]  
239 [\(36\)](#)(a), where the person:

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

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

242            (iii) understands that the person may, in the discretion of the reporting entity or another

243 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
244 money or other consideration.

245 ~~[(36)]~~ (37) "Political convention" means a county or state political convention held by  
246 a registered political party to select candidates.

247 ~~[(37)]~~ (38) (a) "Political issues committee" means an entity, or any group of individuals  
248 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

261 (iii) an individual;

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

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

266 ~~[(38)]~~ (39) (a) "Political issues contribution" means any of the following:

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

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

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

273 (iv) compensation paid by another reporting entity for personal services rendered

274 without charge to a political issues committee; and

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

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

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

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

282 ~~[(39)]~~ (40) (a) "Political issues expenditure" means any of the following when made by  
283 a political issues committee or on behalf of a political issues committee by an agent of the  
284 reporting entity:

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

287 (A) a ballot proposition; or

288 (B) an incorporation petition or incorporation election;

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

291 (A) a ballot proposition; or

292 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

304 (41) "Political purpose corporation" means a corporation that makes, or is organized

305 with the intention of making, expenditures, political issues expenditures, or in-kind  
306 contributions with a combined value that exceeds 50% of the corporation's business  
307 expenditures.

308 ~~[(40)]~~ (42) "Political purposes" means an act done with the intent or in a way to  
309 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote  
310 for or against any candidate or a person seeking a municipal or county office at any caucus,  
311 political convention, or election.

312 ~~[(41)]~~ (43) (a) "Poll" means the survey of a person regarding the person's opinion or  
313 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
314 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
315 person or by telephone, facsimile, Internet, postal mail, or email.

316 (b) "Poll" does not include:

317 (i) a ballot; or

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

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

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

321 ~~[(42)]~~ (44) "Primary election" means any regular primary election held under the  
322 election laws.

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

328 ~~[(43)]~~ (46) "Public office" means the office of governor, lieutenant governor, state  
329 auditor, state treasurer, attorney general, state school board member, state senator, state  
330 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
331 whip, and assistant whip of any party caucus in either house of the Legislature.

332 ~~[(44)]~~ (47) (a) "Public service assistance" means the following when given or provided  
333 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
334 communicate with the officeholder's constituents:

335 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

336 money or anything of value to an officeholder; or

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

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

340 (i) anything provided by the state;

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

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

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

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

349 [~~46~~] (48) "Receipts" means contributions and public service assistance.

350 [~~47~~] (49) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
351 Lobbyist Disclosure and Regulation Act.

352 [~~48~~] (50) "Registered political action committee" means any political action  
353 committee that is required by this chapter to file a statement of organization with the Office of  
354 the Lieutenant Governor.

355 [~~49~~] (51) "Registered political issues committee" means any political issues  
356 committee that is required by this chapter to file a statement of organization with the Office of  
357 the Lieutenant Governor.

358 [~~50~~] (52) "Registered political party" means an organization of voters that:

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

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

364 [~~51~~] (53) (a) "Remuneration" means a payment:

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

366 (ii) that is approximately equivalent to an amount a legislator would have earned

367 during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

373 [~~(52)~~] (54) "Reporting entity" means a candidate, a candidate's personal campaign

374 committee, a judge, a judge's personal campaign committee, an officeholder, a party

375 committee, a political action committee, a political issues committee, a political purpose

376 corporation, or a labor organization, as defined in Section 20A-11-1501.

377 [~~(53)~~] (55) "School board office" means the office of state school board.

378 [~~(54)~~] (56) (a) "Source" means the person or entity that is the legal owner of the

379 tangible or intangible asset that comprises the contribution.

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

381 action committee and the corporation as entities, not the contributors to the political action

382 committee or the owners or shareholders of the corporation.

383 [~~(55)~~] (57) "State office" means the offices of governor, lieutenant governor, attorney

384 general, state auditor, and state treasurer.

385 [~~(56)~~] (58) "State office candidate" means a person who:

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

387 (b) receives contributions, makes expenditures, or gives consent for any other person to

388 receive contributions or make expenditures to bring about the person's nomination, election, or

389 appointment to a state office.

390 [~~(57)~~] (59) "Summary report" means the year end report containing the summary of a

391 reporting entity's contributions and expenditures.

392 [~~(58)~~] (60) "Supervisory board" means the individual or group of individuals that

393 allocate expenditures from a political issues committee.

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

395 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**  
396 **providing false information or accepting unlawful contribution.**

397 (1) (a) Each political action committee shall file a statement of organization with the

398 lieutenant governor's office by January 10 of each year, unless the political action committee  
399 has filed a notice of dissolution under Subsection (4).

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

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

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

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

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

409 (3) The statement of organization shall include:

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

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

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

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

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

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

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

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

425 (b) Any notice of dissolution filed by a political action committee does not exempt that  
426 political action committee from complying with the financial reporting requirements of this  
427 chapter.

428 (5) (a) Unless the political action committee has filed a notice of dissolution under

429 Subsection (4), a political action committee shall file, with the lieutenant governor's office,  
430 notice of any change of an officer described in Subsection (2)(a).

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

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

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

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

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

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

442 (ii) at the time the political action committee accepts the contribution, has failed to file  
443 a statement of organization with the lieutenant governor's office as required by Section  
444 [20A-11-704](#).

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

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

447 **20A-11-701. Campaign financial reporting by political purpose corporations --**  
448 **Filing requirements -- Statement contents -- Donor reporting and notification required.**

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

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

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

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

455 (iv) on August 31; and

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

457 (b) The political purpose corporation shall report:

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

459 (ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all

460 expenditures as of five days before the required filing date of the financial statement; and  
461 (iii) whether the political purpose corporation, including an officer of the political  
462 purpose corporation, director of the political purpose corporation, or person with at least 10%  
463 ownership in the political purpose corporation:

464 (A) has bid since the last financial statement on a contract, as defined in Section  
465 63G-6a-103, in excess of \$100,000;

466 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of  
467 \$100,000; or

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

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

471 (2) The financial statement shall include:

472 (a) the name and address of each reporting entity that received an expenditure from the  
473 political purpose corporation, and the amount of each expenditure;

474 (b) the total amount of expenditures disbursed by the political purpose corporation:

475 (i) since the last financial statement; and

476 (ii) during the calendar year;

477 (c) (i) a statement that the political purpose corporation did not receive any money  
478 from any donor during the calendar year or the previous calendar year that the political purpose  
479 corporation has not reported in a previous financial statement; or

480 (ii) a report, described in Subsection (3), of the money received from donors during the  
481 calendar year or the previous calendar year that the political purpose corporation has not  
482 reported in a previous financial statement; and

483 (d) a statement by the corporation's treasurer or chief financial officer certifying the  
484 accuracy of the financial statement.

485 (3) (a) The report required by Subsection (2)(c)(ii) shall include:

486 (i) the name and address of each donor;

487 (ii) the amount of the money received by the political purpose corporation from each  
488 donor; and

489 (iii) the date on which the political purpose corporation received the money.

490 (b) A political purpose corporation shall report money received from donors in the

491 following order:

492 (i) first, beginning with the least recent date on which the political purpose corporation  
493 received money that the political purpose corporation has not reported in a previous financial  
494 statement, the money received from a donor that:

495 (A) requests that the political purpose corporation use the money to make an  
496 expenditure;

497 (B) gives the money to the political purpose corporation in response to a solicitation  
498 indicating the political purpose corporation's intent to make an expenditure; or

499 (C) knows that the political purpose corporation may use the money to make an  
500 expenditure; and

501 (ii) second, divide the difference between the total amount of expenditures made since  
502 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)  
503 on a proration basis between all donors that:

504 (A) are not described in Subsection (3)(b)(i);

505 (B) gave at least \$50 during the calendar year or previous calendar year; and

506 (C) have not been reported in a previous financial statement.

507 (c) If the amount reported under Subsection (3)(b) is less than the total amount of  
508 expenditures made since the last financial statement, the financial statement shall contain a  
509 statement that the political purpose corporation has reported all donors that gave money, and all  
510 money received by donors, during the calendar year or previous calendar year that the political  
511 purpose corporation has not reported in a previous financial statement.

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

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

516 (ii) The political purpose corporation:

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

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

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

522 corporation that:

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

524 (b) the person's name and address may be disclosed on the political purpose

525 corporation's financial statement.

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

527 **20A-11-702. Campaign financial reporting of political issues expenditures by**  
528 **political purpose corporations -- Financial reporting -- Donor reporting and notification**  
529 **required.**

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

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

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

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

536 (iv) on August 31; and

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

538 (b) The political purpose corporation shall report:

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

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

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

544 (2) That statement shall include:

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

548 (b) the total amount of political issues expenditures disbursed by the political purpose  
549 corporation:

550 (i) since the last financial statement; and

551 (ii) during the calendar year;

552 (c) (i) a statement that the political purpose corporation did not receive any money

553 from any donor during the calendar year or the previous calendar year that the corporation has  
554 not reported in a previous financial statement; or

555 (ii) a report, described in Subsection (3), of the money received from donors during the  
556 calendar year or the previous calendar year that the political purpose corporation has not  
557 reported in a previous financial statement; and

558 (d) a statement by the political purpose corporation's treasurer or chief financial officer  
559 certifying the accuracy of the verified financial statement.

560 (3) (a) The report required by Subsection (2)(c)(ii) shall include:

561 (i) the name and address of each donor;

562 (ii) the amount of the money received by the political purpose corporation from each  
563 donor; and

564 (iii) the date on which the political purpose corporation received the money.

565 (b) A political purpose corporation shall report money received from donors in the  
566 following order:

567 (i) first, beginning with the least recent date on which the political purpose corporation  
568 received money that has not been reported in a previous financial statement, the money  
569 received from a donor that:

570 (A) requests that the political purpose corporation use the money to make a political  
571 issues expenditure;

572 (B) gives the money to the political purpose corporation in response to a solicitation  
573 indicating the corporation's intent to make a political issues expenditure; or

574 (C) knows that the political purpose corporation may use the money to make a political  
575 issues expenditure; and

576 (ii) second, divide the difference between the total amount of political issues  
577 expenditures made since the last financial statement and the total amount of money reported  
578 under Subsection (3)(b)(i) on a proration basis between all donors that:

579 (A) are not described in Subsection (3)(b)(i);

580 (B) gave at least \$50 during the calendar year or previous calendar year; and

581 (C) have not been reported in a previous financial statement.

582 (c) If the amount reported under Subsection (3)(b) is less than the total amount of  
583 political issues expenditures made since the last financial statement, the financial statement

584 shall contain a statement that the corporation has reported all donors that gave money, and all  
585 money received by donors, during the calendar year or previous calendar year that the  
586 corporation has not reported in a previous financial statement.

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

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

591 (ii) The political purpose corporation:

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

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

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

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

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

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

603 **20A-11-703. Criminal penalties -- Fines.**

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

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

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

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

613 (a) impose a fine against the political purpose corporation in accordance with Section  
614 [20A-11-1005](#); and

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

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

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

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

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

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

629 **20A-11-704. Statement of organization required for certain new political purpose**  
630 **corporations.**

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

635 (2) The statement of organization shall include:

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

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

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

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

643 (e) the name, street address, and occupation of each member of the political purpose  
644 corporation's governing and advisory boards, if any.

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

646 **20A-11-705. Notice of in-kind contributions.**

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

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

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

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

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

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

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

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

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

662 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**  
663 **providing false information or accepting unlawful contribution.**

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

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

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

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

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

674 (3) The statement of organization shall include:

675 (a) the name and street address of the political issues committee;

676 (b) the name, street address, phone number, occupation, and title of the two primary

677 officers designated under Subsection (2);

678 (c) the name, street address, occupation, and title of all other officers of the political  
679 issues committee;

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

682 (e) the name and street address of all affiliated or connected organizations and their  
683 relationships to the political issues committee;

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

686 (g) the name, street address, and occupation of each member of the supervisory and  
687 advisory boards, if any; and

688 (h) the ballot proposition whose outcome they wish to affect, and whether they support  
689 or oppose it.

690 (4) (a) Any registered political issues committee that intends to permanently cease  
691 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's  
692 office.

693 (b) Any notice of dissolution filed by a political issues committee does not exempt that  
694 political issues committee from complying with the financial reporting requirements of this  
695 chapter.

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

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

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

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

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

706 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful  
707 contribution if the political issues committee knowingly or recklessly accepts a contribution

708 from a political purpose corporation that:

- 709 (i) was organized less than 90 days before the date of the general election; and  
710 (ii) at the time the political issues committee accepts the contribution, has failed to file  
711 a statement of organization with the lieutenant governor's office as required by Section  
712 [20A-11-704](#).

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

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

715 **20A-11-1004. Summary of financial reports of political action committees and**  
716 **political purpose corporations.**

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

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

721 (a) for each candidate:

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

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

726 (b) for each political action committee:

727 (i) the name of each individual or organization listed on the financial report that made  
728 contributions to the political action committee and the aggregate total of contributions made by  
729 each individual or organization listed on the financial report to the political action committee;  
730 and

731 (ii) the name of each candidate, personal campaign committee, and political action  
732 committee that received expenditures from a political action committee and the aggregate total  
733 of expenditures made to each candidate, personal campaign committee, and political action  
734 committee;

735 (c) for each political purpose corporation:

736 (i) the name of each candidate, personal campaign committee, and political action  
737 committee that received expenditures from the political purpose corporation, and the aggregate  
738 total of expenditures made by the political purpose corporation to each candidate, personal

739 campaign committee, and political action committee; and

740 (ii) the name of each individual, entity, or group of individuals or entities that received  
741 disbursements from the political purpose corporation, and the aggregate total of disbursements  
742 made by the political purpose corporation to each individual, entity, or group of individuals or  
743 entities;

744 (d) for each political issues committee:

745 (i) the name of each individual or organization listed on the financial report that made  
746 political issues contributions to the political issues committee and the aggregate total of  
747 political issues contributions made by each individual or organization listed on the financial  
748 report to the political issues committee; and

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

752 Section 10. Section **36-11-201** is amended to read:

753 **36-11-201. Lobbyist, principal, and government officer financial reporting**  
754 **requirements -- Prohibition for related person to make expenditures.**

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

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

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

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

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

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

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

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

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

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

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

775 (3) A financial report shall contain:

776 (a) the total amount of expenditures made to benefit any public official during the  
777 quarterly reporting period;

778 (b) the total amount of expenditures made, by the type of public official, during the  
779 quarterly reporting period;

780 (c) for the financial report due on January 10:

781 (i) the total amount of expenditures made to benefit any public official during the last  
782 calendar year; and

783 (ii) the total amount of expenditures made, by the type of public official, during the last  
784 calendar year;

785 (d) a disclosure of each expenditure made during the quarterly reporting period to  
786 reimburse or pay for travel or lodging for a public official, including:

787 (i) each travel destination and each lodging location;

788 (ii) the name of each public official who benefitted from the expenditure on travel or  
789 lodging;

790 (iii) the public official type of each public official named;

791 (iv) for each public official named, a listing of the amount and purpose of each  
792 expenditure made for travel or lodging; and

793 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);

794 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the  
795 quarterly reporting period including:

796 (i) the date and purpose of the expenditure;

797 (ii) the location of the expenditure;

798 (iii) the name of any public official benefitted by the expenditure;

799 (iv) the type of the public official benefitted by the expenditure; and

800 (v) the total monetary worth of the benefit that the expenditure conferred on any public

801 official;

802 (f) for each public official who was employed by the lobbyist, principal, or government  
803 officer, a list that provides:

804 (i) the name of the public official; and

805 (ii) the nature of the employment with the public official;

806 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,  
807 principal, or government officer made an expenditure to a public official;

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

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

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

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

818 (5) The lieutenant governor shall:

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

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

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

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

826 (i) states:

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

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

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

831 (iii) contains a listing, as required by this section, of all previously unreported

832 expenditures that have been made through the date of the statement; and

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

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

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

840 **36-11-305.5. Lobbyist requirements.**

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

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

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

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

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