

1 **CAMPAIGN CONTRIBUTION SOLICITATION AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Patrice M. Arent**

5 Senate Sponsor: Margaret Dayton

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code in relation to soliciting campaign contributions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms; and
- 13 ▶ prohibits a person from using the email of a public entity to solicit a campaign
- 14 contribution.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-11-1202**, as last amended by Laws of Utah 2015, Chapter 435

22 **20A-11-1205**, as enacted by Laws of Utah 2015, Chapter 435

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

25 Section 1. Section **20A-11-1202** is amended to read:

26 **20A-11-1202. Definitions.**

27 As used in this part:



- 28 (1) "Applicable election officer" means:
- 29 (a) a county clerk, if the email relates only to a local election; or
- 30 (b) the lieutenant governor, if the email relates to an election other than a local
- 31 election.
- 32 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
- 33 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
- 34 the voters for their approval or rejection.
- 35 (3) "Campaign contribution" means any of the following when done for a political
- 36 purpose or to advocate for or against a ballot proposition:
- 37 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
- 38 given to a filing entity;
- 39 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
- 40 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
- 41 of value to a filing entity;
- 42 (c) any transfer of funds from another reporting entity to a filing entity;
- 43 (d) compensation paid by any person or reporting entity other than the filing entity for
- 44 personal services provided without charge to the filing entity;
- 45 (e) remuneration from:
- 46 (i) any organization or the organization's directly affiliated organization that has a
- 47 registered lobbyist; or
- 48 (ii) any agency or subdivision of the state, including a school district; or
- 49 (f) an in-kind contribution.
- 50 [~~3~~] (4) (a) "Commercial interlocal cooperation agency" means an interlocal
- 51 cooperation agency that receives its revenues from conduct of its commercial operations.
- 52 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
- 53 cooperation agency that receives some or all of its revenues from:
- 54 (i) government appropriations;
- 55 (ii) taxes;
- 56 (iii) government fees imposed for regulatory or revenue raising purposes; or
- 57 (iv) interest earned on public funds or other returns on investment of public funds.
- 58 [~~4~~] (5) "Expenditure" means:

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

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

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

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

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

70 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.

71 [~~(5)~~] (7) "Governmental interlocal cooperation agency" means an interlocal
72 cooperation agency that receives some or all of its revenues from:

73 (a) government appropriations;

74 (b) taxes;

75 (c) government fees imposed for regulatory or revenue raising purposes; or

76 (d) interest earned on public funds or other returns on investment of public funds.

77 [~~(6)~~] (8) (a) "Influence" means to campaign or advocate for or against a ballot
78 proposition.

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

81 [~~(7)~~] (9) "Interlocal cooperation agency" means an entity created by interlocal
82 agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

83 [~~(8)~~] (10) "Local district" means an entity under Title 17B, Limited Purpose Local
84 Government Entities - Local Districts, and includes a special service district under Title 17D,
85 Chapter 1, Special Service District Act.

86 [~~(9)~~] (11) "Political purposes" means an act done with the intent or in a way to
87 influence or intend to influence, directly or indirectly, any person to refrain from voting or to
88 vote for or against any:

89 (a) candidate for public office at any caucus, political convention, primary, or election;

90 or

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

92 ~~[(10)]~~ (12) (a) "Public entity" includes the state, each state agency, each county,
93 municipality, school district, local district, governmental interlocal cooperation agency, and
94 each administrative subunit of each of them.

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

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

98 ~~[(11)]~~ (13) (a) "Public funds" means any money received by a public entity from
99 appropriations, taxes, fees, interest, or other returns on investment.

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

102 ~~[(12)]~~ (14) (a) "Public official" means an elected or appointed member of government
103 with authority to make or determine public policy.

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

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

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

107 (15) "Reporting entity" means the same as that term is defined in Section [20A-11-101](#).

108 ~~[(13)]~~ (16) (a) "State agency" means each department, commission, board, council,
109 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
110 library, unit, bureau, panel, or other administrative unit of the state.

111 (b) "State agency" includes the legislative branch, the Board of Regents, the
112 institutional councils of each higher education institution, and each higher education
113 institution.

114 Section 2. Section **20A-11-1205** is amended to read:

115 **20A-11-1205. Use of public email for a political purpose.**

116 (1) Except as provided in Subsection (5), a person may not send an email using the
117 email of a public entity~~[-]~~:

118 (a) for a political purpose ~~[or]~~;

119 (b) to advocate for or against a ballot proposition~~[-]~~; or

120 (c) to solicit a campaign contribution.

121 (2) The applicable election officer shall impose a civil fine against a person who
122 violates Subsection (1) as follows:

123 (a) up to \$250 for a first violation; and

124 (b) except as provided in Subsection (3), for each subsequent violation committed after
125 any applicable election officer imposes a fine against the person for a first violation, \$1,000
126 multiplied by the number of violations committed by the person.

127 (3) The applicable election officer shall consider a violation of this section as a first
128 violation if the violation is committed more than seven years after the day on which the person
129 last committed a violation of this section.

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

132 (5) A person does not violate this section if the lieutenant governor finds that the email
133 described in Subsection (1) was inadvertently sent ~~↳~~ **↳** ~~[, as a reply to an email received]~~ **↳** ~~←~~ by the
134 person described in Subsection (1), using the email of a public entity.

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

Legislative Review Note
Office of Legislative Research and General Counsel