

POLITICAL ADVERTISING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill requires a person that makes an expenditure for certain advertisements relating to a ballot proposition to disclose the person's identity in the advertisement.

Highlighted Provisions:

This bill:

- ▶ requires a person that makes an expenditure for certain advertisements relating to a ballot proposition to disclose the person's identity in the advertisement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-901, as last amended by Laws of Utah 2012, Chapter 230

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

Section 1. Section **20A-11-901** is amended to read:

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an

30 advertisement expressly advocating for the election or defeat of a clearly identified candidate,
31 or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
32 advertising facility, direct mailing, or any other type of general public political advertising, the
33 advertisement:

34 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
35 shall clearly state that the advertisement has been paid for by the candidate or the campaign
36 committee;

37 (ii) if paid for by another person but authorized by a candidate or the candidate's
38 campaign committee, shall clearly state who paid for the advertisement and that the candidate
39 or the campaign committee authorized the advertisement; or

40 (iii) if not authorized by a candidate or [his] a candidate's campaign committee, shall
41 clearly state the name of the person who paid for the advertisement and state that the
42 advertisement is not authorized by any candidate or candidate's committee.

43 (2) (a) A person that makes an expenditure for the purpose of financing an
44 advertisement related to a ballot proposition shall ensure that the advertisement complies with
45 Subsection (2)(b) if the advertisement expressly advocates:

46 (i) for placing a ballot proposition on the ballot;

47 (ii) for keeping a ballot proposition off the ballot;

48 (iii) that a voter refrain from voting on a ballot proposition; or

49 (iv) that a voter vote for or against a ballot proposition.

50 (b) An advertisement described in Subsection (2)(a) shall:

51 (i) if paid for by a political issues committee, clearly state that the advertisement was
52 paid for by the political issues committee;

53 (ii) if paid for by another person but authorized by a political issues committee, clearly
54 state who paid for the advertisement and that the political issues committee authorized the
55 advertisement; or

56 (iii) if not authorized by a political issues committee, clearly state the name of the
57 person who paid for the advertisement and state that the advertisement is not authorized by any

58 political issues committee.

59 ~~[(b)]~~ (3) The requirements of ~~[Subsection]~~ Subsections (1)~~[(a)]~~ and (2) do not apply to:
60 ~~[(i)]~~ (a) lawn signs with dimensions of four by eight feet or smaller;
61 ~~[(ii)]~~ (b) bumper stickers;
62 ~~[(iii)]~~ (c) campaign pins, buttons, and pens; ~~[and]~~ or
63 ~~[(iv)]~~ (d) similar small items upon which the disclaimer cannot be conveniently
64 printed.

65 ~~[(2)]~~ (4) (a) A person who is not a reporting entity and pays for an electioneering
66 communication shall file a report with the lieutenant governor within 24 hours of making the
67 payment or entering into a contract to make the payment.

68 (b) The report shall include:

- 69 (i) the name and address of the person described in Subsection ~~[(2)]~~ (4)(a);
- 70 (ii) the name and address of each person contributing at least \$100 to the person
71 described in Subsection ~~[(2)]~~ (4)(a) for the purpose of disseminating the electioneering
72 communication;
- 73 (iii) the amount spent on the electioneering communication;
- 74 (iv) the name of the identified referenced candidate; and
- 75 (v) the medium used to disseminate the electioneering communication.

76 ~~[(3)]~~ (5) A person may not, in order to promote the success of any candidate for
77 nomination or election to any public office, or in connection with any question submitted to the
78 voters, include or cause to be included the name of any person as endorser or supporter in any
79 political advertisement, circular, poster, or publication without the express consent of that
80 person.

81 ~~[(4)]~~ (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
82 any newspaper or other periodical to induce him to advocate or oppose editorially any
83 candidate for nomination or election.

84 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
85 advocate or oppose editorially any candidate for nomination or election.

