

Representative Jordan D. Teuscher proposes the following substitute bill:

FINANCIAL DISCLOSURES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies definitions relating to campaign contributions.

Highlighted Provisions:

This bill:

► provides that in-kind contributions and other contributions do not include the provision of certain data and other information to a candidate or an officeholder.

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 2021, Chapter 20

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

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

20A-11-101. Definitions.

As used in this chapter:



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

28 (b) "Address" does not include a post office box.

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

30 (a) a person acting on behalf of a reporting entity at the direction of the reporting
31 entity;

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

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

35 (d) a member of the personal campaign committee of a candidate or officeholder in the
36 member's capacity as a member of the personal campaign committee of the candidate or
37 officeholder; or

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

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

42 (4) "Candidate" means any person who:

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

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

47 (5) "Chief election officer" means:

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

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

53 (6) (a) "Contribution" means any of the following when done for political purposes:

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

56 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

- 57 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
58 anything of value to the filing entity;
- 59 (iii) any transfer of funds from another reporting entity to the filing entity;
- 60 (iv) compensation paid by any person or reporting entity other than the filing entity for
61 personal services provided without charge to the filing entity;
- 62 (v) remuneration from:
- 63 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 64 or
- 65 (B) any agency or subdivision of the state, including school districts;
- 66 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 67 (vii) in-kind contributions.
- 68 (b) "Contribution" does not include:
- 69 (i) services provided by individuals volunteering a portion or all of their time on behalf
70 of the filing entity if the services are provided without compensation by the filing entity or any
71 other person;
- 72 (ii) money lent to the filing entity by a financial institution in the ordinary course of
73 business; ~~or~~
- 74 (iii) goods or services provided for the benefit of a political entity at less than fair
75 market value that are not authorized by or coordinated with the political entity~~[-]; or~~
76 (iv) data or information described in Subsection (24)(b).
- 77 (7) "Coordinated with" means that goods or services provided for the benefit of a
78 political entity are provided:
- 79 (a) with the political entity's prior knowledge, if the political entity does not object;
- 80 (b) by agreement with the political entity;
- 81 (c) in coordination with the political entity; or
- 82 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 83 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
84 organization that is registered as a corporation or is authorized to do business in a state and
85 makes any expenditure from corporate funds for:
- 86 (i) the purpose of expressly advocating for political purposes; or
- 87 (ii) the purpose of expressly advocating the approval or the defeat of any ballot

88 proposition.

89 (b) "Corporation" does not mean:

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

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

92 (9) "County political party" means, for each registered political party, all of the persons
93 within a single county who, under definitions established by the political party, are members of
94 the registered political party.

95 (10) "County political party officer" means a person whose name is required to be
96 submitted by a county political party to the lieutenant governor in accordance with Section
97 [20A-8-402](#).

98 (11) "Detailed listing" means:

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

100 (i) the name and address of the individual or source making the contribution or public
101 service assistance, except to the extent that the name or address of the individual or source is
102 unknown;

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

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

105 (b) for each expenditure:

106 (i) the amount of the expenditure;

107 (ii) the goods or services acquired by the expenditure; and

108 (iii) the date the expenditure was made.

109 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
110 for membership in the corporation, to a corporation without receiving full and adequate
111 consideration for the money.

112 (b) "Donor" does not include a person that signs a statement that the corporation may
113 not use the money for an expenditure or political issues expenditure.

114 (13) "Election" means each:

115 (a) regular general election;

116 (b) regular primary election; and

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

118 (14) "Electioneering communication" means a communication that:

- 119 (a) has at least a value of \$10,000;
- 120 (b) clearly identifies a candidate or judge; and
- 121 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 122 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 123 identified candidate's or judge's election date.

124 (15) (a) "Expenditure" means any of the following made by a reporting entity or an

125 agent of a reporting entity on behalf of the reporting entity:

126 (i) any disbursement from contributions, receipts, or from the separate bank account

127 required by this chapter;

128 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

129 or anything of value made for political purposes;

130 (iii) an express, legally enforceable contract, promise, or agreement to make any

131 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

132 value for political purposes;

133 (iv) compensation paid by a filing entity for personal services rendered by a person

134 without charge to a reporting entity;

135 (v) a transfer of funds between the filing entity and a candidate's personal campaign

136 committee;

137 (vi) goods or services provided by the filing entity to or for the benefit of another

138 reporting entity for political purposes at less than fair market value; or

139 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

140 (b) "Expenditure" does not include:

141 (i) services provided without compensation by individuals volunteering a portion or all

142 of their time on behalf of a reporting entity;

143 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

144 business; or

145 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to

146 candidates for office or officeholders in states other than Utah.

147 (16) "Federal office" means the office of president of the United States, United States

148 Senator, or United States Representative.

149 (17) "Filing entity" means the reporting entity that is required to file a financial

150 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

151 (18) "Financial statement" includes any summary report, interim report, verified
152 financial statement, or other statement disclosing contributions, expenditures, receipts,
153 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
154 Retention Elections.

155 (19) "Governing board" means the individual or group of individuals that determine the
156 candidates and committees that will receive expenditures from a political action committee,
157 political party, or corporation.

158 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
159 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
160 metro township.

161 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
162 10-2a-404.

163 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

164 (23) "Individual" means a natural person.

165 (24) (a) "In-kind contribution" means anything of value, other than money, that is
166 accepted by or coordinated with a filing entity.

167 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
168 information, demographic data, voting trend data, or other information that:

169 (i) is not solicited or commissioned by, or for the benefit of, a particular candidate or
170 officeholder; and

171 (ii) is offered at no cost to a candidate or officeholder.

172 (25) "Interim report" means a report identifying the contributions received and
173 expenditures made since the last report.

174 (26) "Legislative office" means the office of state senator, state representative, speaker
175 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
176 whip of any party caucus in either house of the Legislature.

177 (27) "Legislative office candidate" means a person who:

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

179 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
180 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

181 assistant whip of any party caucus in either house of the Legislature; or

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

185 (28) "Loan" means any of the following provided by a person that benefits a filing
186 entity if the person expects repayment or reimbursement:

187 (a) an expenditure made using any form of payment;

188 (b) money or funds received by the filing entity;

189 (c) the provision of a good or service with an agreement or understanding that payment
190 or reimbursement will be delayed; or

191 (d) use of any line of credit.

192 (29) "Major political party" means either of the two registered political parties that
193 have the greatest number of members elected to the two houses of the Legislature.

194 (30) "Officeholder" means a person who holds a public office.

195 (31) "Party committee" means any committee organized by or authorized by the
196 governing board of a registered political party.

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

200 (33) "Personal campaign committee" means the committee appointed by a candidate to
201 act for the candidate as provided in this chapter.

202 (34) "Personal use expenditure" has the same meaning as provided under Section
203 [20A-11-104](#).

204 (35) (a) "Political action committee" means an entity, or any group of individuals or
205 entities within or outside this state, a major purpose of which is to:

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

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

210 (b) "Political action committee" includes groups affiliated with a registered political
211 party but not authorized or organized by the governing board of the registered political party

212 that receive contributions or makes expenditures for political purposes.

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

214 (i) a party committee;

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

217 (iii) an individual;

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

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

222 (vi) a personal campaign committee.

223 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
224 by another person on behalf of and with the knowledge of the reporting entity, to provide
225 political advice to the reporting entity.

226 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
227 where the person:

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

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

230 (iii) understands that the person may, in the discretion of the reporting entity or another
231 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
232 money or other consideration.

233 (37) "Political convention" means a county or state political convention held by a
234 registered political party to select candidates.

235 (38) "Political entity" means a candidate, a political party, a political action committee,
236 or a political issues committee.

237 (39) (a) "Political issues committee" means an entity, or any group of individuals or
238 entities within or outside this state, a major purpose of which is to:

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

242 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

243 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
244 proposed ballot proposition or an incorporation in an incorporation election; or

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

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

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

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

251 (iii) an individual;

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

254 (v) a corporation, except a corporation a major purpose of which is to act as a political
255 issues committee; or

256 (vi) a group of individuals who:

257 (A) associate together for the purpose of challenging or supporting a single ballot
258 proposition, ordinance, or other governmental action by a county, city, town, local district,
259 special service district, or other local political subdivision of the state;

260 (B) have a common liberty, property, or financial interest that is directly impacted by
261 the ballot proposition, ordinance, or other governmental action;

262 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
263 via a legal entity;

264 (D) do not receive funds for challenging or supporting the ballot proposition,
265 ordinance, or other governmental action from a person other than an individual in the group;
266 and

267 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
268 (39)(b)(vi)(A).

269 (40) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

285 (41) (a) "Political issues expenditure" means any of the following when made by a
286 political issues committee or on behalf of a political issues committee by an agent of the
287 reporting entity:

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

290 (A) a ballot proposition; or

291 (B) an incorporation petition or incorporation election;

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

294 (A) a ballot proposition; or

295 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

307 (42) "Political purposes" means an act done with the intent or in a way to influence or
308 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
309 against any:

310 (a) candidate or a person seeking a municipal or county office at any caucus, political
311 convention, or election; or

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

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

317 (b) "Poll" does not include:

318 (i) a ballot; or

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

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

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

322 (44) "Primary election" means any regular primary election held under the election
323 laws.

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

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

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

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

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

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

341 (i) anything provided by the state;

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

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

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

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

350 (48) "Receipts" means contributions and public service assistance.

351 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
352 Lobbyist Disclosure and Regulation Act.

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

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

359 (52) "Registered political party" means an organization of voters that:

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

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

365 (53) (a) "Remuneration" means a payment:

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

367 (ii) that is approximately equivalent to an amount a legislator would have earned
368 during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

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

378 (55) "School board office" means the office of state school board.

379 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or
380 intangible asset that comprises the contribution.

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

384 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
385 state auditor, and state treasurer.

386 (58) "State office candidate" means a person who:

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

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

391 (59) "Summary report" means the year end report containing the summary of a
392 reporting entity's contributions and expenditures.

393 (60) "Supervisory board" means the individual or group of individuals that allocate
394 expenditures from a political issues committee.