

CAMPAIGN FUNDING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions relating to clothing expenses for which campaign funds may be used.

Highlighted Provisions:

This bill:

- ▶ permits an officeholder to use campaign funds for clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the officeholder represents or of which the officeholder is a member; and

- ▶ modifies the definition of "personal use expenditure" in relation to municipalities and counties to make the permitted uses of campaign funds for clothing consistent with the uses permitted under the Election Code.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-209, as last amended by Laws of Utah 2019, Chapter 204

17-16-202, as last amended by Laws of Utah 2019, Chapters 155, 204



28 **20A-11-104**, as last amended by Laws of Utah 2021, Chapter 20



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

31 Section 1. Section **10-3-209** is amended to read:

32 **10-3-209. Personal use expenditure -- Authorized and prohibited uses of**
33 **campaign funds -- Enforcement -- Penalties.**

34 (1) Unless a municipality adopts by ordinance more stringent definitions, the following
35 are defined terms for the purposes of this section:

36 (a) "Candidate" means a person who:

37 (i) files a declaration of candidacy for municipal office; or

38 (ii) receives contributions, makes expenditures, or gives consent for any other person to
39 receive contributions or make expenditures to bring about the person's nomination or election
40 to a public office.

41 (b) "Officeholder" means a person who is elected to and currently holds a municipal
42 office.

43 (c) (i) "Personal use expenditure" means an expenditure that:

44 (A) is not excluded from the definition of personal use expenditure by Subsection (2)
45 and primarily furthers a personal interest of a candidate or officeholder or a candidate's or
46 officeholder's family, which interest is not connected with the performance of an activity as a
47 candidate or an activity or duty of an officeholder; or

48 (B) would cause the candidate or officeholder to recognize the expenditure as taxable
49 income under federal law.

50 (ii) "Personal use expenditure" includes:

51 (A) a mortgage, rent, utility, or vehicle payment;

52 (B) a household food item or supply;

53 (C) a clothing expense, except:

54 ~~[(C)]~~ (I) [clothing, except for] clothing bearing the candidate's name or campaign
55 slogan or logo [and] that is used in the candidate's campaign;

56 (II) clothing bearing the logo or name of a jurisdiction, district, government
57 organization, government entity, caucus, or political party that the officeholder represents or of
58 which the officeholder is a member; or

59 (III) ~~§~~→ repair or replacement of ←§ clothing that is damaged while the candidate or
59a officeholder is engaged in an
60 activity of a candidate or officeholder;

61 (D) an admission to a sporting, artistic, or recreational event or other form of
62 entertainment;

63 (E) dues, fees, or gratuities at a country club, health club, or recreational facility;

64 (F) a salary payment made to a candidate, officeholder, or a person who has not
65 provided a bona fide service to a candidate or officeholder;

66 (G) a vacation;

67 (H) a vehicle expense;

68 (I) a meal expense;

69 (J) a travel expense;

70 (K) a payment of an administrative, civil, or criminal penalty;

71 (L) a satisfaction of a personal debt;

72 (M) a personal service, including the service of an attorney, accountant, physician, or
73 other professional person;

74 (N) a membership fee for a professional or service organization; and

75 (O) a payment in excess of the fair market value of the item or service purchased.

76 (2) As used in this section, "personal use expenditure" does not mean an expenditure
77 made:

78 (a) for a political purpose;

79 (b) for candidacy for public office;

80 (c) to fulfill a duty or activity of an officeholder;

81 (d) for a donation to a registered political party;

82 (e) for a contribution to another candidate's campaign account, including sponsorship
83 of or attendance at an event, the primary purpose of which is to solicit a contribution for
84 another candidate's campaign account;

85 (f) to return all or a portion of a contribution to a donor;

86 (g) for the following items, if made in connection with the candidacy for public office
87 or an activity or duty of an officeholder:

88 (i) (A) a mileage allowance at the rate established by the Division of Finance under
89 Section [63A-3-107](#); or

- 90 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 91 (ii) a meal expense;
- 92 (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 93 (iv) a payment for a service provided by an attorney or accountant;
- 94 (v) a tuition payment or registration fee for participation in a meeting or conference;
- 95 (vi) a gift;
- 96 (vii) a payment for the following items in connection with an office space:
 - 97 (A) rent;
 - 98 (B) utilities;
 - 99 (C) a supply; or
 - 100 (D) furnishing;
 - 101 (viii) a booth at a meeting or event; or
 - 102 (ix) educational material;
 - 103 (h) to purchase or mail informational material, a survey, or a greeting card;
 - 104 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
 - 105 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
 - 106 as defined in Section 13-22-2;
 - 107 (j) to repay a loan a candidate makes from the candidate's personal account to the
 - 108 candidate's campaign account;
 - 109 (k) to pay membership dues to a national organization whose primary purpose is to
 - 110 address general public policy;
 - 111 (l) for admission to or sponsorship of an event, the primary purpose of which is to
 - 112 promote the social, educational, or economic well-being of the state or the candidate's or
 - 113 officeholder's community;
 - 114 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
 - 115 or conference described in this Subsection (2); or
 - 116 (n) to pay childcare expenses of:
 - 117 [~~(A)~~] (i) a candidate while the candidate is engaging in campaign activity; or
 - 118 [~~(B)~~] (ii) an officeholder while the officeholder is engaging in the duties of an
 - 119 officeholder.
 - 120 (3) (a) A municipality may adopt an ordinance prohibiting a personal use expenditure

121 by a candidate with requirements that are more stringent than the requirements provided in
122 Subsection (4).

123 (b) The municipality may adopt definitions that are more stringent than those provided
124 in Subsection (1) or (2).

125 (c) If a municipality fails to adopt a personal use expenditure ordinance described in
126 Subsection (3)(a), a candidate shall comply with the requirements contained in Subsection (4).

127 (4) A candidate or an officeholder may not use money deposited into a campaign
128 account for:

129 (a) a personal use expenditure; or

130 (b) an expenditure prohibited by law.

131 (5) A municipality may enforce this section by adopting an ordinance:

132 (a) to provide for the evaluation of a campaign finance statement to identify a personal
133 use expenditure; and

134 (b) to commence informal adjudicative proceedings if, after an evaluation described in
135 Subsection (5)(a), there is probable cause to believe that a candidate or officeholder has made a
136 personal use expenditure.

137 (6) If, in accordance with the proceedings described in Subsection (5)(b) established in
138 municipal ordinance, a municipality determines that a candidate or officeholder has made a
139 personal use expenditure, the municipality:

140 (a) may require the candidate or officeholder to:

141 (i) remit an administrative penalty of an amount equal to 50% of the personal use
142 expenditure to the municipality; and

143 (ii) deposit the amount of the personal use expenditure into the campaign account from
144 which the personal use expenditure was disbursed; and

145 (b) shall deposit the money received under Subsection (6)(a)(i) into the municipal
146 general fund.

147 Section 2. Section **17-16-202** is amended to read:

148 **17-16-202. Definitions.**

149 As used in this part:

150 (1) (a) Except as provided in Subsection (1)(b), "contribution" means any of the
151 following when done for a political purpose:

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

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

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

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

160 (v) a loan made by a county office candidate or local school board candidate deposited
161 into the county office candidate's or local school board candidate's own campaign account; or

162 (vi) an in-kind contribution.

163 (b) "Contribution" does not include:

164 (i) services provided by an individual volunteering a portion or all of the individual's
165 time on behalf of the filing entity if the services are provided without compensation by the
166 filing entity or any other person;

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

169 (iii) goods or services provided for the benefit of a county office candidate or local
170 school board candidate at less than fair market value that are not authorized by or coordinated
171 with the county office candidate or the local school board candidate.

172 (2) "County office" means an office described in Section [17-53-101](#) that is required to
173 be filled by an election.

174 (3) "County office candidate" means an individual who:

175 (a) files a declaration of candidacy for a county office; or

176 (b) receives a contribution, makes an expenditure, or gives consent for any other person
177 to receive a contribution or make an expenditure to bring about the individual's nomination or
178 election to a county office.

179 (4) "County officer" means an individual who holds a county office.

180 (5) (a) Except as provided in Subsection (5)(b), "expenditure" means any of the
181 following made by a reporting entity or an agent of a reporting entity on behalf of the reporting
182 entity:

183 (i) any disbursement from contributions, receipts, or the separate bank account required
184 under Section 17-16-6.5;

185 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
186 or anything of value made for a political purpose;

187 (iii) an express, legally enforceable contract, promise, or agreement to make any
188 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
189 value for a political purpose;

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

192 (v) a transfer of funds between the filing entity and a county office candidate's, or a
193 local school board candidate's, personal campaign committee; or

194 (vi) goods or services provided by the filing entity to or for the benefit of another
195 reporting entity for a political purpose at less than fair market value.

196 (b) "Expenditure" does not include:

197 (i) services provided without compensation by an individual volunteering a portion or
198 all of the individual's time on behalf of a reporting entity;

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

201 (iii) anything described in Subsection (5)(a) that is given by a reporting entity to a
202 candidate or officer in another state.

203 (6) "Filing entity" means:

204 (a) a county office candidate;

205 (b) a county officer;

206 (c) a local school board candidate;

207 (d) a local school board member; or

208 (e) a reporting entity that is required to meet a campaign finance disclosure
209 requirement adopted by a county in accordance with Section 17-16-6.5.

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

212 (8) "Local school board candidate" means an individual who:

213 (a) files a declaration of candidacy for local school board; or

214 (b) receives a contribution, makes an expenditure, or gives consent for any other person
215 to receive a contribution or make an expenditure to bring about the individual's nomination or
216 election to a local school board.

217 (9) (a) "Personal use expenditure" means an expenditure that:

218 (i) (A) is not excluded from the definition of personal use expenditure by Subsection
219 (9)(c); and

220 (B) primarily furthers a personal interest of a county office candidate, county officer,
221 local school board candidate, or a local school board member, or a member of a county office
222 candidate's, county officer's, local school board candidate's, or local school board member's
223 family; or

224 (ii) would cause the county office candidate, county officer, local school board
225 candidate, or local school board member to recognize the expenditure as taxable income under
226 federal law.

227 (b) "Personal use expenditure" includes:

228 (i) a mortgage, rent, utility, or vehicle payment;

229 (ii) a household food item or supply;

230 (iii) a clothing expense, except:

231 (A) clothing bearing the county office candidate's or local school board candidate's
232 name or campaign slogan or logo that is used in the county office candidate's or local school
233 board candidate's campaign;

234 (B) clothing bearing the logo or name of a jurisdiction, district, government
235 organization, government entity, caucus, or political party that the county officer or local
236 school board member represents or of which the county officer or local school board member is
237 a member;

238 (C) repair or replacement of clothing that is damaged while the county office candidate
239 or county officer is engaged in an activity of a county officer candidate or county officer; or

240 (D) repair or replacement of clothing that is damaged while the local school board
241 candidate or local school board member is engaged in an activity of a local school board
242 candidate or local school board member;

243 [~~(iii) clothing, except for clothing:~~]

244 [~~(A) bearing the county office candidate's or local school board candidate's name or~~]

245 campaign slogan or logo; and]
246 [~~(B) used in the county office candidate's or local school board member's campaign;~~]
247 (iv) admission to a sporting, artistic, or recreational event or other form of
248 entertainment;
249 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
250 (vi) a salary payment made to:
251 (A) a county office candidate, county officer, local school board candidate, or local
252 school board member; or
253 (B) a person who has not provided a bona fide service to a county candidate, county
254 officer, local school board candidate, or local school board member;
255 (vii) a vacation;
256 (viii) a vehicle expense;
257 (ix) a meal expense;
258 (x) a travel expense;
259 (xi) payment of an administrative, civil, or criminal penalty;
260 (xii) satisfaction of a personal debt;
261 (xiii) a personal service, including the service of an attorney, accountant, physician, or
262 other professional person;
263 (xiv) a membership fee for a professional or service organization; and
264 (xv) a payment in excess of the fair market value of the item or service purchased.
265 (c) "Personal use expenditure" does not include an expenditure made:
266 (i) for a political purpose;
267 (ii) for candidacy for county office or local school board;
268 (iii) to fulfill a duty or activity of a county officer or local school board member;
269 (iv) for a donation to a registered political party;
270 (v) for a contribution to another candidate's campaign account, including sponsorship
271 of or attendance at an event, the primary purpose of which is to solicit a contribution for
272 another candidate's campaign account;
273 (vi) to return all or a portion of a contribution to a contributor;
274 (vii) for the following items, if made in connection with the candidacy for county
275 office or local school board, or an activity or duty of a county officer or local school board

276 member:

277 (A) a mileage allowance at the rate established by the political subdivision that
278 provides the mileage allowance;

279 (B) for motor fuel or special fuel, as defined in Section 59-13-102;

280 (C) a meal expense;

281 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;

282 (E) a payment for a service provided by an attorney or accountant;

283 (F) a tuition payment or registration fee for participation in a meeting or conference;

284 (G) a gift;

285 (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office
286 space;

287 (I) a booth at a meeting or event; or

288 (J) educational material;

289 (viii) to purchase or mail informational material, a survey, or a greeting card;

290 (ix) for a donation to a charitable organization, as defined in Section 13-22-2, including
291 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
292 as defined in Section 13-22-2;

293 (x) to repay a loan a county office candidate or local school board candidate makes
294 from the candidate's personal account to the candidate's campaign account;

295 (xi) to pay membership dues to a national organization whose primary purpose is to
296 address general public policy;

297 (xii) for admission to or sponsorship of an event, the primary purpose of which is to
298 promote the social, educational, or economic well-being of the state or the county candidate's,
299 county officer's, local school board candidate's, or local school board member's community;

300 (xiii) for one or more guests of a county office candidate, county officer, local school
301 board candidate, or local school board member to attend an event, meeting, or conference
302 described in this Subsection (9)(c);

303 (xiv) that is connected with the performance of an activity as a county office candidate
304 or local school board member, or an activity or duty of a county officer or local school board
305 member; or

306 (xv) to pay childcare expenses of:

307 (A) a candidate while the candidate is engaging in campaign activity; or
308 (B) an officeholder while the officeholder is engaging in the duties of an officeholder.

309 (10) "Political purpose" means an act done with the intent or in a way to influence or
310 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
311 against any candidate or a person seeking an office at any caucus, political convention, or
312 election.

313 (11) "Reporting entity":

314 (a) means the same as that term is defined in Section 20A-11-101; and

315 (b) includes a county office candidate, a county office candidate's personal campaign
316 committee, a county officer, a local school board candidate, a local school board candidate's
317 personal campaign committee, and a local school board member.

318 Section 3. Section 20A-11-104 is amended to read:

319 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**
320 **campaign funds -- Enforcement -- Penalties.**

321 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

322 (i) (A) is not excluded from the definition of personal use expenditure by Subsection
323 (2); and

324 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's
325 or officeholder's family, which interest is not connected with the performance of an activity as
326 a candidate or an activity or duty of an officeholder; or

327 (ii) would likely cause the candidate or officeholder to recognize the expenditure as
328 taxable income under federal or state law.

329 (b) "Personal use expenditure" includes:

330 (i) a mortgage, rent, utility, or vehicle payment;

331 (ii) a household food item or supply;

332 (iii) a clothing expense, except:

333 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in
334 the candidate's campaign; [or]

335 (B) clothing bearing the logo or name of a jurisdiction, district, government
336 organization, government entity, caucus, or political party that the officeholder represents or of
337 which the officeholder is a member; or

338 ~~(B)~~ (C) repair or replacement of clothing that is damaged while the candidate or
339 officeholder is engaged in an activity of a candidate or officeholder;

340 (iv) an admission to a sporting, artistic, or recreational event or other form of
341 entertainment;

342 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

343 (vi) a salary payment made to:

344 (A) a candidate or officeholder; or

345 (B) a person who has not provided a bona fide service to a candidate or officeholder;

346 (vii) a vacation;

347 (viii) a vehicle expense;

348 (ix) a meal expense;

349 (x) a travel expense;

350 (xi) a payment of an administrative, civil, or criminal penalty;

351 (xii) a satisfaction of a personal debt;

352 (xiii) a personal service, including the service of an attorney, accountant, physician, or
353 other professional person;

354 (xiv) a membership fee for a professional or service organization; and

355 (xv) a payment in excess of the fair market value of the item or service purchased.

356 (2) As used in this chapter, "personal use expenditure" does not include an expenditure
357 made:

358 (a) for a political purpose;

359 (b) for candidacy for public office;

360 (c) to fulfill a duty or activity of an officeholder;

361 (d) for a donation to a registered political party;

362 (e) for a contribution to another candidate's campaign account, including sponsorship
363 of or attendance at an event, the primary purpose of which is to solicit a contribution for
364 another candidate's campaign account;

365 (f) to return all or a portion of a contribution to a contributor;

366 (g) for the following items, if made in connection with the candidacy for public office
367 or an activity or duty of an officeholder:

368 (i) (A) a mileage allowance at the rate established by the Division of Finance under

- 369 Section 63A-3-107; or
- 370 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 371 (ii) a food expense, including food or beverages:
- 372 (A) served at a campaign event;
- 373 (B) served at a charitable event;
- 374 (C) consumed, or provided to others, by a candidate while the candidate is engaged in
- 375 campaigning;
- 376 (D) consumed, or provided to others, by an officeholder while the officeholder is acting
- 377 in the capacity of an officeholder; or
- 378 (E) provided as a gift to an individual who works on a candidate's campaign or who
- 379 assists an officeholder in the officeholder's capacity as an officeholder;
- 380 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the
- 381 candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses
- 382 incidental to the travel;
- 383 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of
- 384 the travel by the individual is to assist the candidate with the candidate's campaign, including
- 385 an expense described in Subsection (2)(g)(iii);
- 386 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to
- 387 an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 388 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose
- 389 of the travel by the individual is to assist the officeholder in an activity or duty of an
- 390 officeholder, including an expense described in Subsection (2)(g)(iii);
- 391 (vii) a payment for a service provided by an attorney or accountant;
- 392 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 393 (ix) a gift;
- 394 (x) a payment for the following items in connection with an office space:
- 395 (A) rent;
- 396 (B) utilities;
- 397 (C) a supply; or
- 398 (D) furnishing;
- 399 (xi) a booth at a meeting or event;

- 400 (xii) educational material; or
- 401 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of
- 402 an officeholder;
- 403 (h) to purchase or mail informational material, a survey, or a greeting card;
- 404 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 405 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 406 as defined in Section 13-22-2;
- 407 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 408 candidate's campaign account;
- 409 (k) to pay membership dues to a national organization whose primary purpose is to
- 410 address general public policy;
- 411 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 412 promote the social, educational, or economic well-being of the state or the candidate's or
- 413 officeholder's community;
- 414 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 415 or conference described in this Subsection (2), including related travel expenses and other
- 416 expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv)
- 417 or (vi); or
- 418 (n) to pay childcare expenses of:
- 419 (i) a candidate while the candidate is engaging in campaign activity; or
- 420 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- 421 (3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use
- 422 expenditure by:
- 423 (i) evaluating a financial statement to identify a personal use expenditure; and
- 424 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
- 425 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to
- 426 believe a candidate or officeholder has made a personal use expenditure.
- 427 (b) Following the proceeding, the lieutenant governor may issue a signed order
- 428 requiring a candidate or officeholder who has made a personal use expenditure to:
- 429 (i) remit an administrative penalty of an amount equal to 50% of the personal use
- 430 expenditure to the lieutenant governor; and

431 (ii) deposit the amount of the personal use expenditure in the campaign account from
432 which the personal use expenditure was disbursed.

433 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in
434 the General Fund.

435 Section 4. **Effective date.**

436 This bill takes effect on May 1, 2024.