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**CAMPAIGN FUNDING AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Jordan D. Teuscher**  
Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- clarifies that an officeholder may 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
- 20A-11-104**, as last amended by Laws of Utah 2021, Chapter 20

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

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

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

- 29 (1) Unless a municipality adopts by ordinance more stringent definitions, the following are  
30 defined terms for the purposes of this section:
- 31 (a) "Candidate" means a person who:
- 32 (i) files a declaration of candidacy for municipal office; or
- 33 (ii) receives contributions, makes expenditures, or gives consent for any other person  
34 to receive contributions or make expenditures to bring about the person's  
35 nomination or election to a public office.
- 36 (b) "Officeholder" means a person who is elected to and currently holds a municipal  
37 office.
- 38 (c) (i) "Personal use expenditure" means an expenditure that:
- 39 (A) is not excluded from the definition of personal use expenditure by Subsection  
40 (2) and primarily furthers a personal interest of a candidate or officeholder or a  
41 candidate's or officeholder's family, which interest is not connected with the  
42 performance of an activity as a candidate or an activity or duty of an  
43 officeholder; or
- 44 (B) would cause the candidate or officeholder to recognize the expenditure as  
45 taxable income under federal law.
- 46 (ii) "Personal use expenditure" includes:
- 47 (A) a mortgage, rent, utility, or vehicle payment;
- 48 (B) a household food item or supply;
- 49 (C) a clothing expense, except:
- 50 ~~[(C)] (I) [clothing, except for]~~clothing bearing the candidate's name or  
51 campaign slogan or logo ~~[and]~~that is used in the candidate's campaign;
- 52 (II) clothing bearing the logo or name of a jurisdiction, district, government  
53 organization, government entity, caucus, or political party that the  
54 officeholder represents or of which the officeholder is a member; or
- 55 (III) repair or replacement of clothing that is damaged while the candidate or  
56 officeholder is engaged in an activity of a candidate or officeholder;
- 57 (D) an admission to a sporting, artistic, or recreational event or other form of  
58 entertainment;
- 59 (E) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 60 (F) a salary payment made to a candidate, officeholder, or a person who has not  
61 provided a bona fide service to a candidate or officeholder;
- 62 (G) a vacation;

- 63 (H) a vehicle expense;
- 64 (I) a meal expense;
- 65 (J) a travel expense;
- 66 (K) a payment of an administrative, civil, or criminal penalty;
- 67 (L) a satisfaction of a personal debt;
- 68 (M) a personal service, including the service of an attorney, accountant, physician,
- 69 or other professional person;
- 70 (N) a membership fee for a professional or service organization; and
- 71 (O) a payment in excess of the fair market value of the item or service purchased.
- 72 (2) As used in this section, "personal use expenditure" does not mean an expenditure made:
- 73 (a) for a political purpose;
- 74 (b) for candidacy for public office;
- 75 (c) to fulfill a duty or activity of an officeholder;
- 76 (d) for a donation to a registered political party;
- 77 (e) for a contribution to another candidate's campaign account, including sponsorship of
- 78 or attendance at an event, the primary purpose of which is to solicit a contribution for
- 79 another candidate's campaign account;
- 80 (f) to return all or a portion of a contribution to a donor;
- 81 (g) for the following items, if made in connection with the candidacy for public office or
- 82 an activity or duty of an officeholder:
- 83 (i) (A) a mileage allowance at the rate established by the Division of Finance
- 84 under Section 63A-3-107; or
- 85 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 86 (ii) a meal expense;
- 87 (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 88 (iv) a payment for a service provided by an attorney or accountant;
- 89 (v) a tuition payment or registration fee for participation in a meeting or conference;
- 90 (vi) a gift;
- 91 (vii) a payment for the following items in connection with an office space:
- 92 (A) rent;
- 93 (B) utilities;
- 94 (C) a supply; or
- 95 (D) furnishing;
- 96 (viii) a booth at a meeting or event; or

- 97 (ix) educational material;
- 98 (h) to purchase or mail informational material, a survey, or a greeting card;
- 99 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including  
100 admission to or sponsorship of an event, the primary purpose of which is charitable  
101 solicitation, as defined in Section 13-22-2;
- 102 (j) to repay a loan a candidate makes from the candidate's personal account to the  
103 candidate's campaign account;
- 104 (k) to pay membership dues to a national organization whose primary purpose is to  
105 address general public policy;
- 106 (l) for admission to or sponsorship of an event, the primary purpose of which is to  
107 promote the social, educational, or economic well-being of the state or the candidate's  
108 or officeholder's community;
- 109 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,  
110 or conference described in this Subsection (2); or
- 111 (n) to pay childcare expenses of:
- 112 [~~(A)~~] (i) a candidate while the candidate is engaging in campaign activity; or  
113 [~~(B)~~] (ii) an officeholder while the officeholder is engaging in the duties of an  
114 officeholder.
- 115 (3) (a) A municipality may adopt an ordinance prohibiting a personal use expenditure by  
116 a candidate with requirements that are more stringent than the requirements provided  
117 in Subsection (4).
- 118 (b) The municipality may adopt definitions that are more stringent than those provided  
119 in Subsection (1) or (2).
- 120 (c) If a municipality fails to adopt a personal use expenditure ordinance described in  
121 Subsection (3)(a), a candidate shall comply with the requirements contained in  
122 Subsection (4).
- 123 (4) A candidate or an officeholder may not use money deposited into a campaign account  
124 for:
- 125 (a) a personal use expenditure; or  
126 (b) an expenditure prohibited by law.
- 127 (5) A municipality may enforce this section by adopting an ordinance:
- 128 (a) to provide for the evaluation of a campaign finance statement to identify a personal  
129 use expenditure; and  
130 (b) to commence informal adjudicative proceedings if, after an evaluation described in

131 Subsection (5)(a), there is probable cause to believe that a candidate or officeholder  
132 has made a personal use expenditure.

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

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

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

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

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

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

144 **17-16-202 . Definitions.**

145 As used in this part:

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

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

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

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

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

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

159 (vi) an in-kind contribution.

160 (b) "Contribution" does not include:

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

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

- 165 business; or
- 166 (iii) goods or services provided for the benefit of a county office candidate or local  
167 school board candidate at less than fair market value that are not authorized by or  
168 coordinated with the county office candidate or the local school board candidate.
- 169 (2) "County office" means an office described in Section 17-53-101 that is required to be  
170 filled by an election.
- 171 (3) "County office candidate" means an individual who:
- 172 (a) files a declaration of candidacy for a county office; or  
173 (b) receives a contribution, makes an expenditure, or gives consent for any other person  
174 to receive a contribution or make an expenditure to bring about the individual's  
175 nomination or election to a county office.
- 176 (4) "County officer" means an individual who holds a county office.
- 177 (5) (a) Except as provided in Subsection (5)(b), "expenditure" means any of the  
178 following made by a reporting entity or an agent of a reporting entity on behalf of the  
179 reporting entity:
- 180 (i) any disbursement from contributions, receipts, or the separate bank account  
181 required under Section 17-16-6.5;
- 182 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
183 or anything of value made for a political purpose;
- 184 (iii) an express, legally enforceable contract, promise, or agreement to make any  
185 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
186 or anything of value for a political purpose;
- 187 (iv) compensation paid by a filing entity for personal services rendered by a person  
188 without charge to a reporting entity;
- 189 (v) a transfer of funds between the filing entity and a county office candidate's, or a  
190 local school board candidate's, personal campaign committee; or
- 191 (vi) goods or services provided by the filing entity to or for the benefit of another  
192 reporting entity for a political purpose at less than fair market value.
- 193 (b) "Expenditure" does not include:
- 194 (i) services provided without compensation by an individual volunteering a portion or  
195 all of the individual's time on behalf of a reporting entity;
- 196 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
197 business; or
- 198 (iii) anything described in Subsection (5)(a) that is given by a reporting entity to a

- 199 candidate or officer in another state.
- 200 (6) "Filing entity" means:
- 201 (a) a county office candidate;
- 202 (b) a county officer;
- 203 (c) a local school board candidate;
- 204 (d) a local school board member; or
- 205 (e) a reporting entity that is required to meet a campaign finance disclosure requirement
- 206 adopted by a county in accordance with Section 17-16-6.5.
- 207 (7) "In-kind contribution" means anything of value, other than money, that is accepted by or
- 208 coordinated with a filing entity.
- 209 (8) "Local school board candidate" means an individual who:
- 210 (a) files a declaration of candidacy for local school board; or
- 211 (b) receives a contribution, makes an expenditure, or gives consent for any other person
- 212 to receive a contribution or make an expenditure to bring about the individual's
- 213 nomination or election to a local school board.
- 214 (9) (a) "Personal use expenditure" means an expenditure that:
- 215 (i) (A) is not excluded from the definition of personal use expenditure by
- 216 Subsection (9)(c); and
- 217 (B) primarily furthers a personal interest of a county office candidate, county
- 218 officer, local school board candidate, or a local school board member, or a
- 219 member of a county office candidate's, county officer's, local school board
- 220 candidate's, or local school board member's family; or
- 221 (ii) would cause the county office candidate, county officer, local school board
- 222 candidate, or local school board member to recognize the expenditure as taxable
- 223 income under federal law.
- 224 (b) "Personal use expenditure" includes:
- 225 (i) a mortgage, rent, utility, or vehicle payment;
- 226 (ii) a household food item or supply;
- 227 (iii) a clothing expense, except:
- 228 (A) clothing bearing the county office candidate's or local school board
- 229 candidate's name or campaign slogan or logo that is used in the county office
- 230 candidate's or local school board candidate's campaign;
- 231 (B) clothing bearing the logo or name of a jurisdiction, district, government
- 232 organization, government entity, caucus, or political party that the county

- 233 officer or local school board member represents or of which the county officer  
 234 or local school board member is a member;
- 235 (C) repair or replacement of clothing that is damaged while the county office  
 236 candidate or county officer is engaged in an activity of a county office  
 237 candidate or county officer; or
- 238 (D) repair or replacement of clothing that is damaged while the local school board  
 239 candidate or local school board member is engaged in an activity of a local  
 240 school board candidate or local school board member;
- 241 [~~(iii) clothing, except for clothing;~~]  
 242 [~~(A) bearing the county office candidate's or local school board candidate's name or~~  
 243 ~~campaign slogan or logo; and]~~  
 244 [~~(B) used in the county office candidate's or local school board member's campaign;]~~
- 245 (iv) admission to a sporting, artistic, or recreational event or other form of  
 246 entertainment;
- 247 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 248 (vi) a salary payment made to:  
 249 (A) a county office candidate, county officer, local school board candidate, or  
 250 local school board member; or  
 251 (B) a person who has not provided a bona fide service to a county candidate,  
 252 county officer, local school board candidate, or local school board member;
- 253 (vii) a vacation;
- 254 (viii) a vehicle expense;
- 255 (ix) a meal expense;
- 256 (x) a travel expense;
- 257 (xi) payment of an administrative, civil, or criminal penalty;
- 258 (xii) satisfaction of a personal debt;
- 259 (xiii) a personal service, including the service of an attorney, accountant, physician,  
 260 or other professional person;
- 261 (xiv) a membership fee for a professional or service organization; and
- 262 (xv) a payment in excess of the fair market value of the item or service purchased.
- 263 (c) "Personal use expenditure" does not include an expenditure made:  
 264 (i) for a political purpose;  
 265 (ii) for candidacy for county office or local school board;  
 266 (iii) to fulfill a duty or activity of a county officer or local school board member;



- 267 (iv) for a donation to a registered political party;
- 268 (v) for a contribution to another candidate's campaign account, including sponsorship  
269 of or attendance at an event, the primary purpose of which is to solicit a  
270 contribution for another candidate's campaign account;
- 271 (vi) to return all or a portion of a contribution to a contributor;
- 272 (vii) for the following items, if made in connection with the candidacy for county  
273 office or local school board, or an activity or duty of a county officer or local  
274 school board member:
- 275 (A) a mileage allowance at the rate established by the political subdivision that  
276 provides the mileage allowance;
- 277 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 278 (C) a meal expense;
- 279 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 280 (E) a payment for a service provided by an attorney or accountant;
- 281 (F) a tuition payment or registration fee for participation in a meeting or  
282 conference;
- 283 (G) a gift;
- 284 (H) a payment for rent, utilities, a supply, or furnishings, in connection with an  
285 office space;
- 286 (I) a booth at a meeting or event; or
- 287 (J) educational material;
- 288 (viii) to purchase or mail informational material, a survey, or a greeting card;
- 289 (ix) for a donation to a charitable organization, as defined in Section 13-22-2,  
290 including admission to or sponsorship of an event, the primary purpose of which  
291 is charitable solicitation, as defined in Section 13-22-2;
- 292 (x) to repay a loan a county office candidate or local school board candidate makes  
293 from the candidate's personal account to the candidate's campaign account;
- 294 (xi) to pay membership dues to a national organization whose primary purpose is to  
295 address general public policy;
- 296 (xii) for admission to or sponsorship of an event, the primary purpose of which is to  
297 promote the social, educational, or economic well-being of the state or the county  
298 candidate's, county officer's, local school board candidate's, or local school board  
299 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  
 302 conference described in this Subsection (9)(c);  
 303 (xiv) that is connected with the performance of an activity as a county office  
 304 candidate or local school board member, or an activity or duty of a county officer  
 305 or local school board 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  
 309 officeholder.

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

314 (11) "Reporting entity":

315 (a) means the same as that term is defined in Section 20A-11-101; and  
 316 (b) includes a county office candidate, a county office candidate's personal campaign  
 317 committee, a county officer, a local school board candidate, a local school board  
 318 candidate's personal campaign committee, and a local school board member.

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

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

322 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:  
 323 (i) (A) is not excluded from the definition of personal use expenditure by  
 324 Subsection (2); and  
 325 (B) primarily furthers a personal interest of a candidate or officeholder or a  
 326 candidate's or officeholder's family, which interest is not connected with the  
 327 performance of an activity as a candidate or an activity or duty of an  
 328 officeholder; or  
 329 (ii) would likely cause the candidate or officeholder to recognize the expenditure as  
 330 taxable income under federal or state law.  
 331 (b) "Personal use expenditure" includes:  
 332 (i) a mortgage, rent, utility, or vehicle payment;  
 333 (ii) a household food item or supply;  
 334 (iii) a clothing expense, except:

- 335 (A) clothing bearing the candidate's name or campaign slogan or logo that is used  
336 in the candidate's campaign; [øø]
- 337 (B) clothing bearing the logo or name of a jurisdiction, district, government  
338 organization, government entity, caucus, or political party that the officeholder  
339 represents or of which the officeholder is a member; or
- 340 [~~(B)~~] (C) repair or replacement of clothing that is damaged while the candidate or  
341 officeholder is engaged in an activity of a candidate or officeholder;
- 342 (iv) an admission to a sporting, artistic, or recreational event or other form of  
343 entertainment;
- 344 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 345 (vi) a salary payment made to:
- 346 (A) a candidate or officeholder; or  
347 (B) a person who has not provided a bona fide service to a candidate or  
348 officeholder;
- 349 (vii) a vacation;
- 350 (viii) a vehicle expense;
- 351 (ix) a meal expense;
- 352 (x) a travel expense;
- 353 (xi) a payment of an administrative, civil, or criminal penalty;
- 354 (xii) a satisfaction of a personal debt;
- 355 (xiii) a personal service, including the service of an attorney, accountant, physician,  
356 or other professional person;
- 357 (xiv) a membership fee for a professional or service organization; and  
358 (xv) a payment in excess of the fair market value of the item or service purchased.
- 359 (2) As used in this chapter, "personal use expenditure" does not include an expenditure  
360 made:
- 361 (a) for a political purpose;
- 362 (b) for candidacy for public office;
- 363 (c) to fulfill a duty or activity of an officeholder;
- 364 (d) for a donation to a registered political party;
- 365 (e) for a contribution to another candidate's campaign account, including sponsorship of  
366 or attendance at an event, the primary purpose of which is to solicit a contribution for  
367 another candidate's campaign account;
- 368 (f) to return all or a portion of a contribution to a contributor;

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

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

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

439 Section 4. **Effective date.**

440 This bill takes effect on May 1, 2024.