

CAMPAIGN FINANCE CHANGES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill defines "loan" under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements.

Highlighted Provisions:

This bill:

▶ defines "loan" under Title 20A, Chapter 11, Campaign and Financial Reporting Requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-16-202, as enacted by Laws of Utah 2016, Chapter 50

20A-11-101, as last amended by Laws of Utah 2017, Chapter 452

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

Section 1. Section **17-16-202** is amended to read:

17-16-202. Definitions.

As used in this part:



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

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

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

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

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

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

40 (vi) an in-kind contribution.

41 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

58 (5) (a) Except as provided in Subsection (5)(b), "expenditure" means any of the

59 following made by a reporting entity or an agent of a reporting entity on behalf of the reporting
60 entity:

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

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

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

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

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

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

74 (b) "Expenditure" does not include:

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

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

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

81 (6) "Filing entity" means:

82 (a) a county office candidate;

83 (b) a county officer;

84 (c) a local school board candidate;

85 (d) a local school board member; or

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

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

90 (8) "Local school board candidate" means an individual who:
91 (a) files a declaration of candidacy for local school board; or
92 (b) receives a contribution, makes an expenditure, or gives consent for any other person
93 to receive a contribution or make an expenditure to bring about the individual's nomination or
94 election to a local school board.

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

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

98 (B) primarily furthers a personal interest of a county office candidate, county officer,
99 local school board candidate, or a local school board member, or a member of a county office
100 candidate's, county officer's, local school board candidate's, or local school board member's
101 family; or

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

105 (b) "Personal use expenditure" includes:

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

107 (ii) a household food item or supply;

108 (iii) clothing, except for clothing:

109 (A) bearing the county office candidate's or local school board candidate's name or
110 campaign slogan or logo; and

111 (B) used in the county office candidate's or local school board member's campaign;

112 (iv) admission to a sporting, artistic, or recreational event or other form of
113 entertainment;

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

115 (vi) a salary payment made to:

116 (A) a county office candidate, county officer, local school board candidate, or local
117 school board member; or

118 (B) a person who has not provided a bona fide service to a county candidate, county
119 officer, local school board candidate, or local school board member;

120 (vii) a vacation;

- 121 (viii) a vehicle expense;
- 122 (ix) a meal expense;
- 123 (x) a travel expense;
- 124 (xi) payment of an administrative, civil, or criminal penalty;
- 125 (xii) satisfaction of a personal debt;
- 126 (xiii) a personal service, including the service of an attorney, accountant, physician, or
- 127 other professional person;
- 128 (xiv) a membership fee for a professional or service organization; and
- 129 (xv) a payment in excess of the fair market value of the item or service purchased.
- 130 (c) "Personal use expenditure" does not include an expenditure made:
- 131 (i) for a political purpose;
- 132 (ii) for candidacy for county office or local school board;
- 133 (iii) to fulfill a duty or activity of a county officer or local school board member;
- 134 (iv) for a donation to a registered political party;
- 135 (v) for a contribution to another candidate's campaign account, including sponsorship
- 136 of or attendance at an event, the primary purpose of which is to solicit a contribution for
- 137 another candidate's campaign account;
- 138 (vi) to return all or a portion of a contribution to a contributor;
- 139 (vii) for the following items, if made in connection with the candidacy for county
- 140 office or local school board, or an activity or duty of a county officer or local school board
- 141 member:
- 142 (A) a mileage allowance at the rate established by the political subdivision that
- 143 provides the mileage allowance;
- 144 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
- 145 (C) a meal expense;
- 146 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 147 (E) a payment for a service provided by an attorney or accountant;
- 148 (F) a tuition payment or registration fee for participation in a meeting or conference;
- 149 (G) a gift;
- 150 (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office
- 151 space;

152 (I) a booth at a meeting or event; or
153 (J) educational material;
154 (viii) to purchase or mail informational material, a survey, or a greeting card;
155 (ix) for a donation to a charitable organization, as defined in Section 13-22-2, including
156 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
157 as defined in Section 13-22-2;
158 (x) to repay a loan a county office candidate or local school board candidate makes
159 from the candidate's personal account to the candidate's campaign account;
160 (xi) to pay membership dues to a national organization whose primary purpose is to
161 address general public policy;
162 (xii) for admission to or sponsorship of an event, the primary purpose of which is to
163 promote the social, educational, or economic well-being of the state or the county candidate's,
164 county officer's, local school board candidate's, or local school board member's community;
165 (xiii) for one or more guests of a county office candidate, county officer, local school
166 board candidate, or local school board member to attend an event, meeting, or conference
167 described in this Subsection (9)(c); or
168 (xiv) that is connected with the performance of an activity as a county office candidate
169 or local school board member, or an activity or duty of a county officer or local school board
170 member.
171 (10) "Political purpose" means an act done with the intent or in a way to influence or
172 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
173 against any candidate or a person seeking an office at any caucus, political convention, or
174 election.
175 (11) "Reporting entity":
176 (a) means the same as that term is defined in [Subsection] Section 20A-11-101[(52)];
177 and
178 (b) includes a county office candidate, a county office candidate's personal campaign
179 committee, a county officer, a local school board candidate, a local school board candidate's
180 personal campaign committee, and a local school board member.
181 Section 2. Section 20A-11-101 is amended to read:
182 **20A-11-101. Definitions.**

183 As used in this chapter:

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

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

187 (a) a person acting on behalf of a reporting entity at the direction of the reporting
188 entity;

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

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

192 (d) a member of the personal campaign committee of a candidate or officeholder in the
193 member's capacity as a member of the personal campaign committee of the candidate or
194 officeholder; or

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

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

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

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

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

204 (5) "Chief election officer" means:

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

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

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

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

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

214 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
215 anything of value to the filing entity;

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

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

219 (v) remuneration from:

220 (A) any organization or its directly affiliated organization that has a registered lobbyist;

221 or

222 (B) any agency or subdivision of the state, including school districts;

223 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

224 (vii) in-kind contributions.

225 (b) "Contribution" does not include:

226 (i) services provided by individuals volunteering a portion or all of their time on behalf
227 of the filing entity if the services are provided without compensation by the filing entity or any
228 other person;

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

231 (iii) goods or services provided for the benefit of a candidate or political party at less
232 than fair market value that are not authorized by or coordinated with the candidate or political
233 party.

234 (7) "Coordinated with" means that goods or services provided for the benefit of a
235 candidate or political party are provided:

236 (a) with the candidate's or political party's prior knowledge, if the candidate or political
237 party does not object;

238 (b) by agreement with the candidate or political party;

239 (c) in coordination with the candidate or political party; or

240 (d) using official logos, slogans, and similar elements belonging to a candidate or
241 political party.

242 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
243 organization that is registered as a corporation or is authorized to do business in a state and
244 makes any expenditure from corporate funds for:

245 (i) the purpose of expressly advocating for political purposes; or
246 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
247 proposition.

248 (b) "Corporation" does not mean:

249 (i) a business organization's political action committee or political issues committee; or
250 (ii) a business entity organized as a partnership or a sole proprietorship.

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

254 (10) "County political party officer" means a person whose name is required to be
255 submitted by a county political party to the lieutenant governor in accordance with Section
256 [20A-8-402](#).

257 (11) "Detailed listing" means:

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

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

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

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

264 (b) for each expenditure:

265 (i) the amount of the expenditure;

266 (ii) the person or entity to whom it was disbursed;

267 (iii) the specific purpose, item, or service acquired by the expenditure; and

268 (iv) the date the expenditure was made.

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

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

274 (13) "Election" means each:

275 (a) regular general election;

- 276 (b) regular primary election; and
- 277 (c) special election at which candidates are eliminated and selected.
- 278 (14) "Electioneering communication" means a communication that:
- 279 (a) has at least a value of \$10,000;
- 280 (b) clearly identifies a candidate or judge; and
- 281 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 282 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 283 identified candidate's or judge's election date.
- 284 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 285 agent of a reporting entity on behalf of the reporting entity:
- 286 (i) any disbursement from contributions, receipts, or from the separate bank account
- 287 required by this chapter;
- 288 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 289 or anything of value made for political purposes;
- 290 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 291 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 292 value for political purposes;
- 293 (iv) compensation paid by a filing entity for personal services rendered by a person
- 294 without charge to a reporting entity;
- 295 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 296 committee; or
- 297 (vi) goods or services provided by the filing entity to or for the benefit of another
- 298 reporting entity for political purposes at less than fair market value.
- 299 (b) "Expenditure" does not include:
- 300 (i) services provided without compensation by individuals volunteering a portion or all
- 301 of their time on behalf of a reporting entity;
- 302 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 303 business; or
- 304 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
- 305 candidates for office or officeholders in states other than Utah.
- 306 (16) "Federal office" means the office of president of the United States, United States

307 Senator, or United States Representative.

308 (17) "Filing entity" means the reporting entity that is required to file a financial
309 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

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

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

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

320 (21) "Incorporation election" means the election authorized by Section [10-2a-210](#),
321 [10-2a-304](#), or [10-2a-404](#).

322 (22) "Incorporation petition" means a petition authorized by Section [10-2a-208](#) or
323 [10-2a-302.5](#).

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

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

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

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

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

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

334 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
335 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
336 assistant whip of any party caucus in either house of the Legislature; or

337 (c) receives contributions, makes expenditures, or gives consent for any other person to

338 receive contributions or make expenditures to bring about the person's nomination, election, or
339 appointment to a legislative office.

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

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

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

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

346 (d) use of any line of credit.

347 [~~28~~] (29) "Major political party" means either of the two registered political parties
348 that have the greatest number of members elected to the two houses of the Legislature.

349 [~~29~~] (30) "Officeholder" means a person who holds a public office.

350 [~~30~~] (31) "Party committee" means any committee organized by or authorized by the
351 governing board of a registered political party.

352 [~~31~~] (32) "Person" means both natural and legal persons, including individuals,
353 business organizations, personal campaign committees, party committees, political action
354 committees, political issues committees, and labor organizations, as defined in Section
355 20A-11-1501.

356 [~~32~~] (33) "Personal campaign committee" means the committee appointed by a
357 candidate to act for the candidate as provided in this chapter.

358 [~~33~~] (34) "Personal use expenditure" has the same meaning as provided under Section
359 20A-11-104.

360 [~~34~~] (35) (a) "Political action committee" means an entity, or any group of
361 individuals or entities within or outside this state, a major purpose of which is to:

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

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

366 (b) "Political action committee" includes groups affiliated with a registered political
367 party but not authorized or organized by the governing board of the registered political party
368 that receive contributions or makes expenditures for political purposes.

- 369 (c) "Political action committee" does not mean:
- 370 (i) a party committee;
- 371 (ii) any entity that provides goods or services to a candidate or committee in the regular
372 course of its business at the same price that would be provided to the general public;
- 373 (iii) an individual;
- 374 (iv) individuals who are related and who make contributions from a joint checking
375 account;
- 376 (v) a corporation, except a corporation a major purpose of which is to act as a political
377 action committee; or
- 378 (vi) a personal campaign committee.
- 379 ~~[(35)]~~ (36) (a) "Political consultant" means a person who is paid by a reporting entity,
380 or paid by another person on behalf of and with the knowledge of the reporting entity, to
381 provide political advice to the reporting entity.
- 382 (b) "Political consultant" includes a circumstance described in Subsection ~~[(35)]~~
383 (36)(a), where the person:
- 384 (i) has already been paid, with money or other consideration;
- 385 (ii) expects to be paid in the future, with money or other consideration; or
- 386 (iii) understands that the person may, in the discretion of the reporting entity or another
387 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
388 money or other consideration.
- 389 ~~[(36)]~~ (37) "Political convention" means a county or state political convention held by
390 a registered political party to select candidates.
- 391 ~~[(37)]~~ (38) (a) "Political issues committee" means an entity, or any group of individuals
392 or entities within or outside this state, a major purpose of which is to:
- 393 (i) solicit or receive donations from any other person, group, or entity to assist in
394 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
395 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- 396 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
397 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
398 proposed ballot proposition or an incorporation in an incorporation election; or
- 399 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the

400 ballot or to assist in keeping a ballot proposition off the ballot.

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

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

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

405 (iii) an individual;

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

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

410 (vi) a group of individuals who:

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

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

416 (C) do not associate together, for the purpose described in Subsection [~~(37)~~]
417 (38)(b)(vi)(A), via a legal entity;

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

421 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
422 [~~(37)~~] (38)(b)(vi)(A).

423 [~~(38)~~] (39) (a) "Political issues contribution" means any of the following:

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

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

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

430 (iv) compensation paid by another reporting entity for personal services rendered

431 without charge to a political issues committee; and

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

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

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

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

439 ~~[(39)]~~ (40) (a) "Political issues expenditure" means any of the following when made by
440 a political issues committee or on behalf of a political issues committee by an agent of the
441 reporting entity:

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

444 (A) a ballot proposition; or

445 (B) an incorporation petition or incorporation election;

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

448 (A) a ballot proposition; or

449 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

461 ~~[(40)]~~ (41) "Political purposes" means an act done with the intent or in a way to

462 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
463 for or against any:

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

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

467 ~~[(41)]~~ (42) (a) "Poll" means the survey of a person regarding the person's opinion or
468 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
469 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
470 person or by telephone, facsimile, Internet, postal mail, or email.

471 (b) "Poll" does not include:

472 (i) a ballot; or

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

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

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

476 ~~[(42)]~~ (43) "Primary election" means any regular primary election held under the
477 election laws.

478 ~~[(43)]~~ (44) "Publicly identified class of individuals" means a group of 50 or more
479 individuals sharing a common occupation, interest, or association that contribute to a political
480 action committee or political issues committee and whose names can be obtained by contacting
481 the political action committee or political issues committee upon whose financial statement the
482 individuals are listed.

483 ~~[(44)]~~ (45) "Public office" means the office of governor, lieutenant governor, state
484 auditor, state treasurer, attorney general, state school board member, state senator, state
485 representative, speaker of the House of Representatives, president of the Senate, and the leader,
486 whip, and assistant whip of any party caucus in either house of the Legislature.

487 ~~[(45)]~~ (46) (a) "Public service assistance" means the following when given or provided
488 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
489 communicate with the officeholder's constituents:

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

492 (ii) goods or services provided at less than fair market value to or for the benefit of the

493 officeholder.

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

495 (i) anything provided by the state;

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

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

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

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

504 [~~(46)~~] (47) "Receipts" means contributions and public service assistance.

505 [~~(47)~~] (48) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
506 Lobbyist Disclosure and Regulation Act.

507 [~~(48)~~] (49) "Registered political action committee" means any political action
508 committee that is required by this chapter to file a statement of organization with the Office of
509 the Lieutenant Governor.

510 [~~(49)~~] (50) "Registered political issues committee" means any political issues
511 committee that is required by this chapter to file a statement of organization with the Office of
512 the Lieutenant Governor.

513 [~~(50)~~] (51) "Registered political party" means an organization of voters that:

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

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

519 [~~(51)~~] (52) (a) "Remuneration" means a payment:

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

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

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

- 524 (i) the legislator's primary employer in the ordinary course of business; or
- 525 (ii) a person or entity in the ordinary course of business:
 - 526 (A) because of the legislator's ownership interest in the entity; or
 - 527 (B) for services rendered by the legislator on behalf of the person or entity.
- 528 [~~52~~] (53) "Reporting entity" means a candidate, a candidate's personal campaign
- 529 committee, a judge, a judge's personal campaign committee, an officeholder, a party
- 530 committee, a political action committee, a political issues committee, a corporation, or a labor
- 531 organization, as defined in Section 20A-11-1501.
- 532 [~~53~~] (54) "School board office" means the office of state school board.
- 533 [~~54~~] (55) (a) "Source" means the person or entity that is the legal owner of the
- 534 tangible or intangible asset that comprises the contribution.
- 535 (b) "Source" means, for political action committees and corporations, the political
- 536 action committee and the corporation as entities, not the contributors to the political action
- 537 committee or the owners or shareholders of the corporation.
- 538 [~~55~~] (56) "State office" means the offices of governor, lieutenant governor, attorney
- 539 general, state auditor, and state treasurer.
- 540 [~~56~~] (57) "State office candidate" means a person who:
- 541 (a) files a declaration of candidacy for a state office; or
- 542 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 543 receive contributions or make expenditures to bring about the person's nomination, election, or
- 544 appointment to a state office.
- 545 [~~57~~] (58) "Summary report" means the year end report containing the summary of a
- 546 reporting entity's contributions and expenditures.
- 547 [~~58~~] (59) "Supervisory board" means the individual or group of individuals that
- 548 allocate expenditures from a political issues committee.