

LEGISLATIVE OFFICE DEFINITIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: _____

LONG TITLE

General Description:

This bill amends definitions in Title 20A, Election Code.

Highlighted Provisions:

This bill:

► amends the definitions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, relating to leadership positions in the Legislature.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-101, as last amended by Laws of Utah 2012, Chapter 230

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

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

20A-11-101. Definitions.

As used in this chapter:

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



28 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
29 amendments, and any other ballot propositions submitted to the voters that are authorized by
30 the Utah Code Annotated 1953.

31 (3) "Candidate" means any person who:

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

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

36 (4) "Chief election officer" means:

37 (a) the lieutenant governor for state office candidates, legislative office candidates,
38 officeholders, political parties, political action committees, corporations, political issues
39 committees, state school board candidates, judges, and labor organizations, as defined in
40 Section 20A-11-1501; and

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

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

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

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

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

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

51 (v) remuneration from:

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

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

55 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
56 market value.

57 (b) "Contribution" does not include:

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

59 of their time on behalf of the filing entity;

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

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

65 (6) "Coordinated with" means that goods or services provided for the benefit of a
66 candidate or political party are provided:

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

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

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

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

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

76 (i) the purpose of expressly advocating for political purposes; or

77 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
78 proposition.

79 (b) "Corporation" does not mean:

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

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

82 (8) "County political party" means, for each registered political party, all of the persons
83 within a single county who, under definitions established by the political party, are members of
84 the registered political party.

85 (9) "County political party officer" means a person whose name is required to be
86 submitted by a county political party to the lieutenant governor in accordance with Section
87 20A-8-402.

88 (10) "Detailed listing" means:

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

90 (i) the name and address of the individual or source making the contribution or public
91 service assistance;

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

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

94 (b) for each expenditure:

95 (i) the amount of the expenditure;

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

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

98 (iv) the date the expenditure was made.

99 (11) "Election" means each:

100 (a) regular general election;

101 (b) regular primary election; and

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

103 (12) "Electioneering communication" means a communication that:

104 (a) has at least a value of \$10,000;

105 (b) clearly identifies a candidate or judge; and

106 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
107 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
108 identified candidate's or judge's election date.

109 (13) (a) "Expenditure" means:

110 (i) any disbursement from contributions, receipts, or from the separate bank account
111 required by this chapter;

112 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
113 or anything of value made for political purposes;

114 (iii) an express, legally enforceable contract, promise, or agreement to make any
115 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
116 value for political purposes;

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

119 (v) a transfer of funds between the filing entity and a candidate's personal campaign
120 committee; or

121 (vi) goods or services provided by the filing entity to or for the benefit of another
122 reporting entity for political purposes at less than fair market value.

123 (b) "Expenditure" does not include:

124 (i) services provided without compensation by individuals volunteering a portion or all
125 of their time on behalf of a reporting entity;

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

128 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to
129 candidates for office or officeholders in states other than Utah.

130 (14) "Federal office" means the office of President of the United States, United States
131 Senator, or United States Representative.

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

134 (16) "Financial statement" includes any summary report, interim report, verified
135 financial statement, or other statement disclosing contributions, expenditures, receipts,
136 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
137 Retention Elections.

138 (17) "Governing board" means the individual or group of individuals that determine the
139 candidates and committees that will receive expenditures from a political action committee,
140 political party, or corporation.

141 (18) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
142 Incorporation, by which a geographical area becomes legally recognized as a city or town.

143 (19) "Incorporation election" means the election authorized by Section 10-2-111.

144 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.

145 (21) "Individual" means a natural person.

146 (22) "Interim report" means a report identifying the contributions received and
147 expenditures made since the last report.

148 (23) "Legislative office" means the office of state senator[;] or state representative[;
149 ~~speaker of the House of Representatives, president of the Senate, and the leader, whip, and~~
150 ~~assistant whip of any party caucus in either house of the Legislature].~~

151 (24) "Legislative office candidate" means a person who:

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

153 or

154 ~~[(b) declares oneself to be a candidate for, or actively campaigns for, the position of~~
155 ~~speaker of the House of Representatives, president of the Senate, or the leader, whip, and~~
156 ~~assistant whip of any party caucus in either house of the Legislature; or]~~

157 [(c)] (b) receives contributions, makes expenditures, or gives consent for any other
158 person to receive contributions or make expenditures to bring about the person's nomination or
159 election to a legislative office.

160 (25) "Officeholder" means a person who holds a public office.

161 (26) "Party committee" means any committee organized by or authorized by the
162 governing board of a registered political party.

163 (27) "Person" means both natural and legal persons, including individuals, business
164 organizations, personal campaign committees, party committees, political action committees,
165 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

166 (28) "Personal campaign committee" means the committee appointed by a candidate to
167 act for the candidate as provided in this chapter.

168 (29) "Personal use expenditure" has the same meaning as provided under Section
169 20A-11-104.

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

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

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

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

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

180 (i) a party committee;

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

- 183 (iii) an individual;
- 184 (iv) individuals who are related and who make contributions from a joint checking
- 185 account;
- 186 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 187 action committee; or
- 188 (vi) a personal campaign committee.

189 (31) "Political convention" means a county or state political convention held by a
190 registered political party to select candidates.

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

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

196 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
197 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
198 proposed ballot proposition or an incorporation in an incorporation election; or

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

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

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

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

205 (iii) an individual;

206 (iv) individuals who are related and who make contributions from a joint checking
207 account; or

208 (v) a corporation, except a corporation a major purpose of which is to act as a political
209 issues committee.

210 (33) (a) "Political issues contribution" means any of the following:

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

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

214 issues donation to influence the approval or defeat of any ballot proposition;
215 (iii) any transfer of funds received by a political issues committee from a reporting
216 entity;
217 (iv) compensation paid by another reporting entity for personal services rendered
218 without charge to a political issues committee; and
219 (v) goods or services provided to or for the benefit of a political issues committee at
220 less than fair market value.
221 (b) "Political issues contribution" does not include:
222 (i) services provided without compensation by individuals volunteering a portion or all
223 of their time on behalf of a political issues committee; or
224 (ii) money lent to a political issues committee by a financial institution in the ordinary
225 course of business.
226 (34) (a) "Political issues expenditure" means any of the following:
227 (i) any payment from political issues contributions made for the purpose of influencing
228 the approval or the defeat of:
229 (A) a ballot proposition; or
230 (B) an incorporation petition or incorporation election;
231 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
232 the express purpose of influencing the approval or the defeat of:
233 (A) a ballot proposition; or
234 (B) an incorporation petition or incorporation election;
235 (iii) an express, legally enforceable contract, promise, or agreement to make any
236 political issues expenditure;
237 (iv) compensation paid by a reporting entity for personal services rendered by a person
238 without charge to a political issues committee; or
239 (v) goods or services provided to or for the benefit of another reporting entity at less
240 than fair market value.
241 (b) "Political issues expenditure" does not include:
242 (i) services provided without compensation by individuals volunteering a portion or all
243 of their time on behalf of a political issues committee; or
244 (ii) money lent to a political issues committee by a financial institution in the ordinary

245 course of business.

246 (35) "Political purposes" means an act done with the intent or in a way to influence or
247 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
248 against any candidate or a person seeking a municipal or county office at any caucus, political
249 convention, or election.

250 (36) "Primary election" means any regular primary election held under the election
251 laws.

252 (37) "Public office" means the office of governor, lieutenant governor, state auditor,
253 state treasurer, attorney general, state or local school board member, state senator[;] or state
254 representative[; ~~speaker of the House of Representatives, president of the Senate, and the~~
255 ~~leader, whip, and assistant whip of any party caucus in either house of the Legislature~~].

256 (38) (a) "Public service assistance" means the following when given or provided to an
257 officeholder to defray the costs of functioning in a public office or aid the officeholder to
258 communicate with the officeholder's constituents:

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

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

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

264 (i) anything provided by the state;

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

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

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

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

273 (39) "Publicly identified class of individuals" means a group of 50 or more individuals
274 sharing a common occupation, interest, or association that contribute to a political action
275 committee or political issues committee and whose names can be obtained by contacting the

276 political action committee or political issues committee upon whose financial statement the
277 individuals are listed.

278 (40) "Receipts" means contributions and public service assistance.

279 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
280 Lobbyist Disclosure and Regulation Act.

281 (42) "Registered political action committee" means any political action committee that
282 is required by this chapter to file a statement of organization with the lieutenant governor's
283 office.

284 (43) "Registered political issues committee" means any political issues committee that
285 is required by this chapter to file a statement of organization with the lieutenant governor's
286 office.

287 (44) "Registered political party" means an organization of voters that:

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

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

293 (45) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

302 (46) "Reporting entity" means a candidate, a candidate's personal campaign committee,
303 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
304 action committee, a political issues committee, a corporation, or a labor organization, as
305 defined in Section 20A-11-1501.

306 (47) "School board office" means the office of state school board or local school board.

307 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or
308 intangible asset that comprises the contribution.

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

312 (49) "State office" means the offices of governor, lieutenant governor, attorney general,
313 state auditor, and state treasurer.

314 (50) "State office candidate" means a person who:

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

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

319 (51) "Summary report" means the year end report containing the summary of a
320 reporting entity's contributions and expenditures.

321 (52) "Supervisory board" means the individual or group of individuals that allocate
322 expenditures from a political issues committee.

Legislative Review Note
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Office of Legislative Research and General Counsel