



# The Dos and Do-Nots of Campaign Financial Disclosures Candidates & Officeholders

-updated May 2020-

## Expenditures

### Personal use expenditures are prohibited.

Utah Code [20A-11-104](#)

A "personal use expenditure" means an expenditure that "primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder."

A candidate or officeholder who has made a personal use expenditure is subject to an administrative penalty of half the amount of the personal use expenditure and repaying the campaign account the full amount of the personal use expenditure.

Below are examples of some expenditures reported in previous years which were determined to be personal use expenditures for which fines were paid:

- Shirts for session\*
- Tie\*
- Citizenship application fees
- Combo passes for Thanksgiving Point
- Mister Car Wash
- Gym dues for Capitol Fitness Center
- Cold medicine

\*Clothing expenditures are explicitly prohibited unless the clothing bears the candidate's name or campaign slogan or logo AND is used in the candidate's campaign.

### Your expenditures must clearly indicate who was ultimately paid, and the specific purpose of the expenditure.

Utah Code [20A-11-101.5](#) and Utah Code [20A-11-101\(11\)\(b\)\(iii\)](#)

Reports must disclose:

- The "specific purpose, item, or service acquired by the expenditure" and
- The "actual person or entity to whom the disbursement is *ultimately* made... and may not merely list the transactional intermediary" such as a credit card company.

Be sure you report the *ultimate* payee of an expenditure, and not a transactional intermediary, such as American Express. You didn't pay American Express for your campaign signs, you paid Office Warehouse, using American Express.

The law is concerned with where your money is *ultimately* spent. Therefore, if you use your personal account to pay for something campaign related, and later reimburse your personal account with campaign funds, then you are only required to report where you *ultimately* expended the money. The same is true if you use a business account which you later reimburse.

The specific purpose of an expenditure should be clear and specific. Ask yourself, "What did I buy and how did I use it in my campaign, or how did I use it for my officeholder duties?" Include that in the specific purpose field.

### If you pay campaign staff, report the name of the staffer as the Name of Payee.

If you pay people to work on your campaign, list the name of each staffer in the Name of Payee field(s). The Specific Purpose can be something like, "campaign staff," or "payment for work on campaign." The ultimate payee should not be "Payroll," the ultimate payee is the person you pay.

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## Contributions

### You must report each contribution within 31 days or 3 business days.

Utah Code [20A-11-201](#), Utah Code [20A-11-301](#), and Utah Code [20A-11-1301](#)

Each contribution (including in-kind contributions) must normally be reported within 31 calendar days of receiving it. This window shortens for candidates who are contested during convention, the primary election, or the general election; during the 30 days prior to a convention, primary election, or general election, a contested candidate must report each contribution within *3 business days* of receiving it.

The received date of a contribution is the date you have the ability to use it, which means you receive:

- Cash – as soon as your campaign has it in hand.
- A check – the day it is deposited into your campaign account.
- An in-kind contribution – when you benefit from it.
- Loan – the day any person, including yourself, lends your campaign money using any form of payment and expects repayment. Forms of payment could include credit card, check, cash, in-kind, Venmo, PayPal, etc.

Save the contribution to the ledger to report it.

Statutorily the Lieutenant Governor's office shall impose a fine against a candidate if he or she reports a contribution after this 31 day or 3 business day time period.

### You must report the actual source of the contribution.

Utah Code [20A-11-101.5](#)

Reports "shall reveal the actual source of the contribution... the *actual identity* of the donor and may not merely list, disclose, or report the transactional intermediary."

PayPal, Square, Venmo, or ActBlue are considered transactional intermediaries, more commonly referred to as "pass-through entities." These pass-throughs are entities through which donors give to campaigns or PACs. Remember, the pass-through entity (PayPal) did not contribute to your campaign; Jane Doe contributed to your campaign *using* PayPal. You must report Jane Doe as the contributor, not PayPal.

Report the name and address of the donor who actually gave to your campaign.

### You must give anonymous contributions that are greater than \$50 to a charity, a city, or the State.

Utah Code [20A-11-201](#), Utah Code [20A-11-301](#), Utah Code [20A-11-401](#), and Utah Code [20A-11-1301](#)

If a candidate or officeholder receives a contribution (or public service assistance) which exceeds \$50 and is from an unknown source, the candidate or officeholder **shall** disburse the amount of the contribution (or public service assistance) within 31 days to:

- (a) the state or a political subdivision for deposit into the general fund; or
- (b) a 501(c)(3) organization.

Candidates and officeholders may not use funds that are greater than \$50 and from an unknown source. If you receive an anonymous contribution (or public service assistance) that is greater than \$50, you must give it to a charity, a city, or the State.

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