

Glossary of Terms: Campaign Finance and Financial Reporting

20A-11-101 (Election Code – Campaign and Financial Reporting Requirements) Definitions

As used in Utah Code 20A-11 (Election Code – Campaign and Financial Reporting Requirements):

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.
- (2) "Agent of a reporting entity" means:
 - (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
 - (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;
 - (c) the personal campaign committee of a candidate or officeholder;
 - (d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or
 - (e) a political consultant of a reporting entity.
- (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.
- (4) "Candidate" means any person who:
 - (a) files a declaration of candidacy for a public office; or
 - (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.
- (5) "Chief election officer" means:
 - (a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section [20A-11-1501](#); and
 - (b) the county clerk for local school board candidates.
- (6) (a) "Contribution" means any of the following when done for political purposes:
 - (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
 - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
 - (iii) any transfer of funds from another reporting entity to the filing entity;
 - (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
 - (v) remuneration from:
 - (A) any organization or its directly affiliated organization that has a registered lobbyist; or
 - (B) any agency or subdivision of the state, including school districts;
 - (vi) a loan made by a candidate deposited to the candidate's own campaign; and
 - (vii) in-kind contributions.
- (b) "Contribution" does not include:
 - (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
 - (ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

- (iii) goods or services provided for the benefit of a candidate or political party at less than fair market value that are not authorized by or coordinated with the candidate or political party.
- (7) "Coordinated with" means that goods or services provided for the benefit of a candidate or political party are provided:
- (a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object;
 - (b) by agreement with the candidate or political party;
 - (c) in coordination with the candidate or political party; or
 - (d) using official logos, slogans, and similar elements belonging to a candidate or political party.
- (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:
- (i) the purpose of expressly advocating for political purposes; or
 - (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.
- (b) "Corporation" does not mean:
- (i) a business organization's political action committee or political issues committee; or
 - (ii) a business entity organized as a partnership or a sole proprietorship.
- (9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.
- (10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section [20A-8-402](#).
- (11) "Detailed listing" means:
- (a) for each contribution or public service assistance:
 - (i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;
 - (ii) the amount or value of the contribution or public service assistance; and
 - (iii) the date the contribution or public service assistance was made; and
 - (b) for each expenditure:
 - (i) the amount of the expenditure;
 - (ii) the person or entity to whom it was disbursed;
 - (iii) the specific purpose, item, or service acquired by the expenditure; and
 - (iv) the date the expenditure was made.
- (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.
- (b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.
- (13) "Election" means each:
- (a) regular general election;
 - (b) regular primary election; and
 - (c) special election at which candidates are eliminated and selected.
- (14) "Electioneering communication" means a communication that:

- (a) has at least a value of \$10,000;
 - (b) clearly identifies a candidate or judge; and
 - (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.
- (15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:
- (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
 - (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
 - (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
 - (v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or
 - (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.
- (b) "Expenditure" does not include:
- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
 - (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
 - (iii) anything listed in Subsection [\(15\)\(a\)](#) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.
- (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.
- (17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or [Chapter 12, Part 2, Judicial Retention Elections](#).
- (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or [Chapter 12, Part 2, Judicial Retention Elections](#).
- (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.
- (20) "Incorporation" means the process established by [Title 10, Chapter 2a, Municipal Incorporation](#), by which a geographical area becomes legally recognized as a city, town, or metro township.
- (21) "Incorporation election" means the election authorized by Section [10-2a-210](#), [10-2a-304](#), or [10-2a-404](#).
- (22) "Incorporation petition" means a petition authorized by Section [10-2a-208](#) or [10-2a-302](#).
- (23) "Individual" means a natural person.
- (24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.
- (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
- (26) "Legislative office" means the office of state senator, state representative, speaker of the House of

Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

- (27) "Legislative office candidate" means a person who:
- (a) files a declaration of candidacy for the office of state senator or state representative;
 - (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or
 - (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.
- (28) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.
- (29) "Officeholder" means a person who holds a public office.
- (30) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.
- (31) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).
- (32) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.
- (33) "Personal use expenditure" has the same meaning as provided under Section [20A-11-104](#).
- (34) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
 - (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.
- (b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
- (c) "Political action committee" does not mean:
- (i) a party committee;
 - (ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
 - (iii) an individual;
 - (iv) individuals who are related and who make contributions from a joint checking account;
 - (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or
 - (vi) a personal campaign committee.
- (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.
- (b) "Political consultant" includes a circumstance described in Subsection [\(35\)\(a\)](#), where the person:
- (i) has already been paid, with money or other consideration;
 - (ii) expects to be paid in the future, with money or other consideration; or

- (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.
- (36) "Political convention" means a county or state political convention held by a registered political party to select candidates.
- (37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
- (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
 - (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
 - (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.
- (b) "Political issues committee" does not mean:
- (i) a registered political party or a party committee;
 - (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
 - (iii) an individual;
 - (iv) individuals who are related and who make contributions from a joint checking account;
 - (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or
 - (vi) a group of individuals who:
 - (A) associate together for the purpose of challenging a single ballot proposition, ordinance, or other governmental action by a county, city, town, local district, special service district, or other local political subdivision of the state;
 - (B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;
 - (C) do not associate together, for the purpose described in Subsection [\(37\)\(b\)\(vi\)\(A\)](#), via a legal entity;
 - (D) do not receive funds for challenging the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and
 - (E) do not expend a total of more than \$5,000 for the purpose described in Subsection [\(37\)\(b\)\(vi\)\(A\)](#).
- (38) (a) "Political issues contribution" means any of the following:
- (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;
 - (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
 - (iii) any transfer of funds received by a political issues committee from a reporting entity;
 - (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
 - (v) goods or services provided to or for the benefit of a political issues committee at less than fair

market value.

- (b) "Political issues contribution" does not include:
 - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
 - (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

- (39) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:
 - (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
 - (A) a ballot proposition; or
 - (B) an incorporation petition or incorporation election;
 - (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:
 - (A) a ballot proposition; or
 - (B) an incorporation petition or incorporation election;
 - (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
 - (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
 - (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

- (b) "Political issues expenditure" does not include:
 - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
 - (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

- (40) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
 - (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
 - (b) judge standing for retention at any election.

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

- (b) "Poll" does not include:
 - (i) a ballot; or
 - (ii) an interview of a focus group that is conducted, in person, by one individual, if:
 - (A) the focus group consists of more than three, and less than thirteen, individuals; and
 - (B) all individuals in the focus group are present during the interview.

- (42) "Primary election" means any regular primary election held under the election laws.

- (43) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.
- (44) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- (45) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:
- (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or
 - (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.
- (b) "Public service assistance" does not include:
- (i) anything provided by the state;
 - (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;
 - (iii) money lent to an officeholder by a financial institution in the ordinary course of business;
 - (iv) news coverage or any publication by the news media; or
 - (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.
- (46) "Receipts" means contributions and public service assistance.
- (47) "Registered lobbyist" means a person registered under [Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act](#).
- (48) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (49) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (50) "Registered political party" means an organization of voters that:
- (a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
 - (b) has complied with the petition and organizing procedures of [Chapter 8, Political Party Formation and Procedures](#).
- (51) (a) "Remuneration" means a payment:
- (i) made to a legislator for the period the Legislature is in session; and
 - (ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.
- (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- (i) the legislator's primary employer in the ordinary course of business; or
 - (ii) a person or entity in the ordinary course of business:
 - (A) because of the legislator's ownership interest in the entity; or

- (B) for services rendered by the legislator on behalf of the person or entity.
- (52) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section [20A-11-1501](#).
- (53) "School board office" means the office of state school board.
- (54) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.
- (b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.
- (55) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (56) "State office candidate" means a person who:
- (a) files a declaration of candidacy for a state office; or
- (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.
- (57) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.
- (58) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

[20A-11-104](#) Personal use expenditure – Authorized and prohibited uses of campaign funds – Enforcement – Penalties

- (1) (a) As used in Utah Code 20A-11 (Election Code – Campaign and Financial Reporting Requirements), "personal use expenditure" means an expenditure that:
- (i) (A) is not excluded from the definition of personal use expenditure by Subsection [\(2\)](#); and
(B) 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; or
- (ii) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.
- (b) "Personal use expenditure" includes:
- (i) a mortgage, rent, utility, or vehicle payment;
- (ii) a household food item or supply;
- (iii) clothing, except for clothing:
(A) bearing the candidate's name or campaign slogan or logo; and
(B) used in the candidate's campaign;
- (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;
- (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- (vi) a salary payment made to:
(A) a candidate or officeholder; or

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

- (vii) a vacation;
- (viii) a vehicle expense;
- (ix) a meal expense;
- (x) a travel expense;
- (xi) a payment of an administrative, civil, or criminal penalty;
- (xii) a satisfaction of a personal debt;
- (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
- (xiv) a membership fee for a professional or service organization; and
- (xv) a payment in excess of the fair market value of the item or service purchased.

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

- (a) for a political purpose;
- (b) for candidacy for public office;
- (c) to fulfill a duty or activity of an officeholder;
- (d) for a donation to a registered political party;
- (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
- (f) to return all or a portion of a contribution to a contributor;
- (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
 - (i) (A) a mileage allowance at the rate established by the Division of Finance under Section [63A-3-107](#); or
 - (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
 - (ii) a meal expense;
 - (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
 - (iv) a payment for a service provided by an attorney or accountant;
 - (v) a tuition payment or registration fee for participation in a meeting or conference;
 - (vi) a gift;
 - (vii) a payment for the following items in connection with an office space:
 - (A) rent;
 - (B) utilities;
 - (C) a supply; or
 - (D) furnishing;
 - (viii) a booth at a meeting or event; or
 - (ix) educational material;
- (h) to purchase or mail informational material, a survey, or a greeting card;
- (i) for a donation to a charitable organization, as defined by Section [13-22-2](#), including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section [13-22-2](#);

- (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
 - (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
 - (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or
 - (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection [\(2\)](#).
- (3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
- (i) evaluating a financial statement to identify a personal use expenditure; and
 - (ii) commencing an informal adjudicative proceeding in accordance with [Title 63G, Chapter 4, Administrative Procedures Act](#), if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.
- (b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:
- (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
 - (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
- (c) The lieutenant governor shall deposit money received under Subsection [\(3\)\(b\)\(i\)](#) in the General Fund.

[20A-11-201](#) State office candidate -- Separate bank account for campaign funds -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

- (5) (a) As used in this Subsection [\(5\)](#) and Section [20A-11-204](#), "received" means:
- (i) for a cash contribution, that the cash is given to a state office candidate or a member of the candidate's personal campaign committee;
 - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
 - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

[20A-11-301](#) Legislative office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

- (5) (a) As used in this Subsection [\(5\)](#) and Section [20A-11-303](#), "received" means:
- (i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the candidate's personal campaign committee;
 - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
 - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.

[20A-11-1202](#) (Political Activities of Public Entities Act) Definitions

As used in this part:

- (1) "Applicable election officer" means:

- (a) a county clerk, if the email relates only to a local election; or
 - (b) the lieutenant governor, if the email relates to an election other than a local election.
- (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.
- (3) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.
- (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:
- (i) government appropriations;
 - (ii) taxes;
 - (iii) government fees imposed for regulatory or revenue raising purposes; or
 - (iv) interest earned on public funds or other returns on investment of public funds.
- (4) "Expenditure" means:
- (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
 - (b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
 - (c) a transfer of funds between a public entity and a candidate's personal campaign committee;
 - (d) a transfer of funds between a public entity and a political issues committee; or
 - (e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.
- (5) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:
- (a) government appropriations;
 - (b) taxes;
 - (c) government fees imposed for regulatory or revenue raising purposes; or
 - (d) interest earned on public funds or other returns on investment of public funds.
- (6) (a) "Influence" means to campaign or advocate for or against a ballot proposition.
- (b) "Influence" does not mean providing a brief statement about a public entity's position on a ballot proposition and the reason for that position.
- (7) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of [Title 11, Chapter 13, Interlocal Cooperation Act](#).
- (8) "Local district" means an entity under [Title 17B, Limited Purpose Local Government Entities - Local Districts](#), and includes a special service district under [Title 17D, Chapter 1, Special Service District Act](#).
- (9) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
- (a) candidate for public office at any caucus, political convention, primary, or election; or
 - (b) judge standing for retention at any election.
- (10) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.

- (b) "Public entity" does not include a commercial interlocal cooperation agency.
 - (c) "Public entity" includes local health departments created under [Title 26, Chapter 1, Department of Health Organization](#).
- (11) (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.
- (b) "Public funds" does not include money donated to a public entity by a person or entity.
- (12) (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.
- (b) "Public official" includes the person or group that:
- (i) has supervisory authority over the personnel and affairs of a public entity; and
 - (ii) approves the expenditure of funds for the public entity.
- (13) (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (b) "State agency" includes the legislative branch, the Board of Regents, the institutional councils of each higher education institution, and each higher education institution.

20A-11-1402 (Voluntary Contributions Act) Definitions

- (1) As used in this part:
- (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, or other questions submitted to the voters for their approval or rejection.
 - (b) (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.
 - (ii) Except as provided in Subsection [\(1\)\(b\)\(iii\)](#), "labor organization" includes each employee association and union for employees of public and private sector employers.
 - (iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.
 - (c) "Political fund" means a separate segregated fund established by a labor organization for political purposes that meets the requirements of this part.
 - (d) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.
 - (e) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a labor organization.
- (2) Other terms defined in Section [20A-11-101](#) apply to this part.

20A-11-1501 (Campaign Financial Reporting by Labor Organizations) Definitions

As used in this part:

- (1) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

- (2) "Labor organization" includes an employee association and union for employees of public and private sector employers.

20A-11-1602 (Financial Disclosures) Definitions

As used in this part:

- (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- (2) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.
- (3) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- (4) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- (5) (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:
- (i) the entity or a portion of the entity; or
 - (ii) an employee, agent, or independent contractor of the entity.
- (b) "Owner or officer" includes:
- (i) a member of a board of directors or other governing body of an entity; or
 - (ii) a partner in any type of partnership.
- (6) "Preceding year" means the year immediately preceding the day on which the regulated officeholder files a financial disclosure form.
- (7) "Regulated officeholder" means an individual who is required to file a financial disclosure form under the provisions of this part.
- (8) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

20A-11-1702 (Independent Expenditures) Definitions

As used in this part:

- (1) "Clearly identified" means:
- (a) the name of the candidate appears;
 - (b) a photograph or drawing of the candidate appears; or
 - (c) the identity of the candidate or ballot proposition is apparent by unambiguous reference.
- (2) (a) "Independent expenditure" means an expenditure by a person expressly advocating the success or defeat of a clearly identified candidate or ballot proposition if the expenditure is not made in coordination with, or at the request or suggestion of:
- (i) a candidate;
 - (ii) a candidate's personal campaign committee;

- (iii) a member of a candidate's personal campaign committee;
 - (iv) a political action committee for which the candidate is an officer with primary decision making authority;
 - (v) an agent of a candidate; or
 - (vi) a political issues committee.
- (b) "Independent expenditure" includes:
- (i) the cost of creating and disseminating material for a public communication, including design and production costs; and
 - (ii) a contract or other promise to make an expenditure described in Subsection [\(2\)\(a\)](#) or [\(2\)\(b\)\(i\)](#).
- (3) (a) "Public communication" means a communication by:
- (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank; or
 - (ii) another medium used for political advertising to the general public.
- (b) "Public communication" does not include:
- (i) a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, that is not controlled by a candidate or political party; or
 - (ii) a candidate debate or forum.
- (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls within any 30-day period.