

Jason B. Kyle proposes the following substitute bill:

Elected Official Publicity Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason B. Kyle

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses a public official's use of public funds.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits a public official from making an expenditure from public funds on a billboard or

mass communication:

- that contains certain content; and
- is posted, displayed, or mailed less than 60 days before the date of a caucus,

convention, or election at which the public official is a candidate for elective office;

and

- contains exceptions to the prohibition described above for certain types of mass communications.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-1202, as last amended by Laws of Utah 2023, Chapters 15, 327

ENACTS:

20A-11-1203.5, Utah Code Annotated 1953

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

Section 1. Section **20A-11-1202** is amended to read:

20A-11-1202 . 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) "Billboard" means a freestanding outdoor sign used for advertising to, or communicating with, the general public.

~~[(3)]~~ (4) "Campaign contribution" means any of the following when done for a political purpose or to advocate for or against a ballot proposition:

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

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

(c) any transfer of funds from another reporting entity to a filing entity;

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

(e) remuneration from:

(i) any organization or the organization's directly affiliated organization that has a registered lobbyist; or

(ii) any agency or subdivision of the state, including a school district; or

(f) an in-kind contribution.

~~[(4)]~~ (5)(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.

~~[(5)]~~ (6) "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.

~~[(6)]~~ (7) "Filing entity" means the same as that term is defined in Section 20A-11-101.

~~[(7)]~~ (8) "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.

~~[(8)]~~ (9) "Influence" means to campaign or advocate for or against a ballot proposition.

~~[(9)]~~ (10) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

(11) "Mass communication" means any printed communication that:

(a) contains identical or substantially similar content; and

(b) is mailed to more than 500 recipients in a calendar year, regardless of whether the mailing occurs simultaneously or at different times during the calendar year.

~~[(10)]~~ (12) "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.

~~[(11)]~~ (13) "Proposed initiative" means an initiative proposed in an application filed under Section 20A-7-202 or 20A-7-502.

~~[(12)]~~ (14) "Proposed referendum" means a referendum proposed in an application filed under Section 20A-7-302 or 20A-7-602.

~~[(13)]~~ (15)(a) "Public entity" includes the state, each state agency, each county,

municipality, school district, special 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 26A, Local Health Authorities.

~~[(14)]~~ (16)(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.

~~[(15)]~~ (17)(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.

~~[(16)]~~ (18) "Reporting entity" means the same as that term is defined in Section 20A-11-101.

~~[(17)]~~ (19)(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.

(b) "Special district" includes a special service district under Title 17D, Chapter 1, Special Service District Act.

~~[(18)]~~ (20)(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 Utah Board of Higher Education, each institution of higher education board of trustees, and each higher education institution.

Section 2. Section **20A-11-1203.5** is enacted to read:

20A-11-1203.5 . Public official prohibited from expending public funds on certain communications.

(1) Except as provided in Subsection (2), a public official may not make an expenditure from public funds for a billboard or mass communication that:

(a)(i) includes a photograph, image, or likeness of the public official; or

(ii) contains the name of the public official in a font size that is larger than any other font size on the billboard or mass communication; and

(b) is posted, displayed, or mailed less than 60 calendar days before the date of any

caucus, political convention, or election at which the public official is a candidate for elective office.

(2) A public official may make an expenditure from public funds for a mass communication described in Subsection (1) if:

(a) the mass communication is mailed to a person in response to that person making an inquiry of the public official;

(b) the mass communication is sent to another public official;

(c) the mass communication is a news release sent to a news media organization; or

(d) the public official is legally required to mail the mass communication.

Section 3. **Effective Date.**

This bill takes effect on May 7, 2025.