

Date Printed: 02/05/2009

JTS Box Number: IFES_51
Tab Number: 8
Document Title: STATE OF UTAH: CORRUPT PRACTICES IN
ELECTIONS ACT
Document Date: 1975
Document Country: USA
Document Language: ENG
IFES ID: EL00649



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STATE OF UTAH

CORRUPT PRACTICES IN ELECTIONS ACT



TITLE 20, CHAPTER 14
UTAH CODE ANNOTATED 1953
AS AMENDED 1975

CHAPTER 14—CORRUPT PRACTICES IN ELECTIONS

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20-14-1. Definition of terms.—As used in this act:

(1) "Political purposes" means when an act is of a nature, or is done with such an intent, or is done in such a way, as to influence, or tend to influence, directly or indirectly, any voting for a candidate for public office at any political convention, primary or election, or is done on account of any person's having voted or refrained from voting, or being about to vote or refrain from voting, for any candidate for public office at any political convention, primary or election.

(2) "Candidate" means every person who (a) files a declaration of candidacy for the offices of governor, secretary of state or attorney general of this state, or (b) received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditure with a view to bringing about his nomination for election, or election to such office.

(3) "Communications media" means radio and television broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mass mailings, advertising production costs, advertising agency commissions, and telephones, paid telephonists, or automatic telephone equipment used by a candidate to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(4) "Contributions" means:

(a) A gift, subscription, loan, advance or deposit of money or anything of value (except a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business);

(b) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(c) A transfer of funds between political or party committees and a candidate's personal campaign committee; and

(d) The payment by any person other than the candidate's personal campaign committee, of compensation for the personal services of another person which are rendered to the candidate or his personal campaign committee without charge for any such purpose, but "contribution" shall not include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or his personal campaign committee.

(5) "Expenditure" means:

(a) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or state bank made in accordance with the applicable banking laws or regulations and in the ordinary course of business) made for the purpose of influencing the nomination for election or election, of any candidate;

(b) A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure;

(c) A transfer of funds between political or party committees and a candidate's personal campaign committee.

(6) "Primary election" means any primary election held under the election laws.

(7) "Political convention" means state political conventions held by a party as provided for under the election laws.

(8) "Election" means all general and special elections in which candidates are eliminated and elected for one or more of the offices of governor, secretary of state or attorney general.

(9) "Personal campaign committee" means the committee appointed by a candidate to act for him as hereinafter provided.

(10) "Party committee" means any political party committees or committees organized by political parties.

(11) "Committee" means any personal campaign committee, or party committee, unless the intent is clearly shown to be otherwise.

(12) "Person" means both natural and legal persons and shall include business organizations, personal campaign committees, party committees, labor unions, and labor organizations.

(13) "During a campaign period" means the period from the final date for filing a declaration of candidacy for an office until the final election in which such office is filled by the voters, or the date upon which a candidate is eliminated, whichever is the earlier.

History: C. 1953, 20-14-1, enacted by L. 1973, ch. 31, § 1.

Compiler's Notes.

Laws 1973, ch. 31, § 1 repealed old section 20-14-1 (L. 1917, ch. 92, § 1; C. I. 1917, § 2360; R. S. 1933 & C. 1943, 25-13-1; L. 1953, ch. 37, § 1; 1971 (1st S. S.), ch. 3, § 1), defining terms in the corrupt practices provisions, and enacted new section 20-14-1.

Title of Act.

An act amending section 20-14-19, Utah Code Annotated 1953, as enacted by chapter 3, Laws of Utah 1971, first special session; repealing and re-enacting section 20-14-1, Utah Code Annotated 1953, as amended by chapter 37, Laws of Utah 1953, as amended by chapter 3, Laws of Utah 1971, first special session, sections 20-14-2, 20-14-11, and 20-14-16, Utah Code Annotated 1953; sections 20-14-3, 20-14-4, 20-14-5, 20-14-6, 20-14-7, 20-14-8, 20-14-10, 20-14-12, 20-14-13 and 20-14-14, Utah Code Annotated 1953, as amended by chapter 3,

Laws of Utah 1971, first special session, section 20-14-9, Utah Code Annotated 1953, as amended by chapter 37, Laws of Utah 1967, as amended by chapter 3, Laws of Utah 1971, first special session, and repealing section 20-14-17, Utah Code Annotated 1953, and section 20-14-18, Utah Code Annotated 1953, as enacted by chapter 3, Laws of Utah 1971, first special session; relating to campaign expenditures; providing a repeal of laws relating to limitations on campaign spending; providing new provisions relating to campaign expenditure limitations to apply only to candidates or potential candidates for the offices of governor, secretary of state, or attorney general; providing for one personal campaign committee for each candidate with sole authorization for collection or expenditure of campaign funds; requiring filing of verified financial statements by candidates at periodic intervals; and providing sanctions and criminal penalties for violation of this act.—Laws 1973, ch. 31.

20-14-2. Personal campaign committee required.—No person or group of persons shall receive any contributions on behalf of a candidate or make any expenditures for political purposes for such candidate either direct or indirect, otherwise than through a personal campaign committee, whose authority to act shall be filed as provided by this act.

History: C. 1953, 20-14-2, enacted by L. 1973, ch. 31, § 2.

Compiler's Notes.

Laws 1973, ch. 31, § 2 repealed old section 20-14-2 (L. 1917, ch. 92, § 2; C. I.

1917, § 2361; R. S. 1933 & C. 1943, 25-13-2), relating to acceptance of unlawful disbursements, and enacted new section 20-14-2.

20-14-3. Selection of personal campaign committee—Filing by candidate or committee with state auditor—Secretary of committee—Revocation of selection and filling vacancy.—A candidate shall select no more than one personal campaign committee to consist of one or more persons, or he may constitute himself as such committee. Before such personal campaign committee shall make any expenditure for political purposes on behalf of the candidate, or shall incur any obligation, express or implied, to make an expenditure in his behalf, such candidate or committee shall file with the state auditor a written statement signed by his or its secretary setting forth that his personal campaign committee or party committee has been appointed or elected, and giving the name and address of each member thereof and of the secretary thereof. If the personal campaign committee consists of only one person, such person shall be deemed the secretary thereof. If the candidate acts as his own personal campaign committee, he shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of his personal campaign committee by a revocation in writing, which, with proof of personal service on the member whose selection is so revoked, shall be filed with the state auditor. Such candidate

may fill the vacancy thus created in the manner in which the original appointment is made.

History: C. 1953, 20-14-3, enacted by L. 1973, ch. 31, § 3. 1917, § 2362; R. S. 1933 & C. 1943, 25-13-3; L. 1971 (1st S. S.), ch. 3, § 2), relating to the requirement for disbursements through party committee or personal campaign committee, and enacted new section 20-14-3.

Compiler's Notes.

Laws 1973, ch. 31, § 3 repealed old section 20-14-3 (L. 1917, ch. 92, § 3; C. L.

20-14-4. Expenditures other than through personal campaign committee prohibited—Exceptions.—No person or group of persons, other than the candidate's personal campaign committee, shall make any expenditure, directly or indirectly, for political purposes for the candidate otherwise than through a personal campaign committee, except for expenses incurred for hotel and traveling expenses.

History: C. 1953, 20-14-4, enacted by L. 1973, ch. 31, § 4. 1917, § 2363; R. S. 1933 & C. 1943, 25-13-4; L. 1971 (1st S. S.), ch. 3, § 3), relating to the selection of a personal campaign committee, and enacted new section 20-14-4.

Compiler's Notes.

Laws 1973, ch. 31, § 4 repealed old section 20-14-4 (L. 1917, ch. 92, § 4; C. L.

20-14-5. Persons furnishing services or goods—Authorization by secretary of personal campaign committee—Rate of charge.—No person or group of persons shall accept expenditures by a candidate's personal campaign committee, or render services or furnish goods, materials, advertisements or things of value paid for by such expenditures or mentioning the candidate, directly or indirectly, unless such receipt, performance or furnishing has been authorized in writing by the secretary of the personal campaign committee who shall have been designated as provided in section 20-14-2. Any person or group of persons accepting such expenditures shall render services and furnish goods, materials or things of value at a rate which shall not exceed the charges made for comparable use to any other person considering amount of use, frequency of use and applicable discounts.

History: C. 1953, 20-14-5, enacted by L. 1973, ch. 31, § 5. 1917, § 2364; R. S. 1933 & C. 1943, 25-13-5; L. 1971 (1st S. S.), ch. 3, § 4), relating to disbursements by persons other than an authorized committee, and enacted new section 20-14-5.

Compiler's Notes.

Laws 1973, ch. 31, § 5 repealed old section 20-14-5 (L. 1917, ch. 92, § 5; C. L.

20-14-6. Unlawful expenditures prohibited.—No personal campaign committee, or party committee, shall make any political expenditures prohibited by law.

History: C. 1953, 20-14-6, enacted by L. 1973, ch. 31, § 6. by L. 1971 (1st S. S.), ch. 3, § 5), relating to the authorization required by persons furnishing services or goods and the rate of charge, and enacted new section 20-14-6.

Compiler's Notes.

Laws 1973, ch. 31, § 6 repealed old section 20-14-6 (C. 1953, 20-14-6, enacted

20-14-7. Verified financial statement filed by personal campaign committee of candidate for governor, secretary of state and attorney general

and by state and county party committee—Statement filed by communications media and advertising companies—Regulations, procedures and forms promulgated by state auditor.—(1) The secretary of the personal campaign committee of every candidate for the office of governor, secretary of state and attorney general and the secretary of every state and county party committee shall file with the state auditor a verified financial statement on the tenth day of June, July, August, September, October and December of the year in which the election is held and on the fifth day preceding the date on which an election is held, accurately reflecting all expenditures and contributions and any express or implied contracts to make an expenditure or receive money or anything of value for political purposes. Each statement shall cover all expenditures and contributions not accounted for and reported in the statements theretofore filed and shall contain a summary of the preceding statements and shall summarize the items previously reported under the provisions of this act and shall state the amount expended for communications media during the reporting period. The reports shall contain all expenditures and contributions as of five days prior to date of filing. The December statement shall contain a certification by the secretary of the candidate's personal campaign committee certifying that all contributions and all expenditures have been reported and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(2) Radio and television broadcasting stations, newspapers, outdoor advertising companies, telephone companies, magazines, direct mail companies, advertising production companies and advertising agencies which accept expenditures from the personal campaign committee of any candidate for the office of governor, secretary of state or attorney general or from a party committee shall file with the state auditor a separate financial statement for each committee, or candidate verified upon such person's or persons' oath or that of its chief executive, on the tenth day of June, July, August, September, October, and December of the year in which the election is held and on the fifth day preceding the date on which an election is held, accurately reflecting all of such person's or persons' expenditures and receipts, the amount of any advertising agency commissions or discounts and any express or implied contracts to make a disbursement or render services or furnish goods, materials, advertisements or things of value or receive money from any such committee. Each statement shall cover all expenditures and receipt not accounted for and reported upon the statements theretofore filed, and shall contain a summary of the preceding statements, and shall summarize the items theretofore reported under the provisions of this chapter. The reports shall be complete as of five days prior to date of filing. If no expenditures or receipts have been received during the period a statement need not be filed.

(3) The state auditor shall promulgate appropriate regulations and develop procedures and forms to carry out the purposes of this act.

History: C. 1953, 20-14-7, enacted by **Compiler's Notes.**
L. 1973, ch. 31, § 7.

Laws 1973, ch. 31, § 7 repealed old section 20-14-7 (L. 1917, ch. 92, § 7; C. L. 1917, § 2366; R. S. 1933 & C. 1943, 25-13-7;

L. 1971 (1st S. S.), ch. 3, § 6), relating by committees, and enacted new section to prohibition of unlawful disbursements 20-14-7.

20-14-8. Statements—Contents—Supporting documentation.—Each financial statement shall give in full detail:

(1) Every sum of money and all property and every other thing of value, received by the candidate's personal campaign committee or state or county party committee or person or group of persons from any source whatsoever which he or it or they use or have used, or are at liberty to use, for political purposes, the name and address of every person or source from which each was received, and the date when each was received and the total amount received from all sources in any amounts or manner whatsoever.

(2) Every listed contribution, promise or pledge of money or property, or other thing of value, received by the candidate's personal campaign committee or state or county party committee or person or group of persons, the proceeds of which have been or may be used for political purposes, the name of the persons by whom each was promised or pledged, the date when each was so promised or pledged, and the total amount promised or pledged from all sources in any amounts whatsoever.

(3) Every expenditure by the candidate's personal campaign committee or state or county party committee or person or group of persons for political purposes, the name of every person to whom the disbursement was made, the specific purpose for which each was made, the date when each was made, and the total amount of expenditures made in any amounts or manner whatsoever.

(4) Every contract, express or implied, to make any expenditure incurred by the candidate's personal campaign committee, or party committee or person or group of persons for political purposes, the names of the person or persons to or with whom each such obligation was incurred, the date when each was incurred, and the total amount of obligations made in any amounts or manner whatsoever.

(5) Supporting documentation by photographic or carbon copies of all checks received or disbursed, affidavits as to all cash received or disbursed, and affidavits as to each promise, pledge or contract.

History: C. 1953, 20-14-8, enacted by 1917, § 2367; R. S. 1933 & C. 1943, 25-13-8; L. 1973, ch. 31, § 8. L. 1971 (1st S. S.), ch. 3, § 7), relating

Compiler's Notes.

Laws 1973, ch. 31, § 8 repealed old section 20-14-8 (L. 1917, ch. 92, § 8; C. L. to the presentation of bills, charges or claims by persons furnishing services or goods, and enacted new section 20-14-8.

20-14-9. Blanks for statements prepared and furnished by state auditor.—Blanks for all statements required by this act shall be prepared by the state auditor, and copies thereof, together with a copy of this act, shall be furnished by the state auditor to the secretary of every committee, to every candidate and to all others who make a request.

History: C. 1953, 20-14-9, enacted by 1917, § 2368; R. S. 1933 & C. 1943, 25-13-9; L. 1973, ch. 31, § 9. L. 1967, ch. 37, § 3; 1971 (1st S. S.), ch.

Compiler's Notes.

Laws 1973, ch. 31, § 9 repealed old section 20-14-9 (L. 1917, ch. 92, § 9; C. L. of statements, and enacted new section 20-14-9.

20-14-10. Statements open to public inspection—Preservation—Copies.—

All statements shall be open to public inspection in the office of the state auditor and shall be carefully preserved there for a period of five years, and the state auditor shall give certified copies thereof in the same manner as other public records.

History: C. 1953, 20-14-10, enacted by L. 1973, ch. 31, § 10.

1917, § 2368; R. S. 1933 & C. 1943, 25-13-10; L. 1971 (1st S. S.), ch. 3, § 9), relating to the contents of statements, and enacted new section 20-14-10.

Compiler's Notes.

Laws 1973, ch. 31, § 10 repealed old section 20-14-10 (L. 1917, ch. 92, § 9; C. L.

20-14-11. Inspection of statements by state auditor—Notice to responsible committee or person of failure to file or noncompliance.—The state auditor, within five days after the same are filed, shall inspect all financial statements relating to campaign contributions, receipts, promises, pledges, expenditures, and contracts filed with them; and if it appears that any personal campaign committee, party committee, person or group of persons has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, the officer shall notify in writing the delinquent personal campaign committee, party committee, person or group of persons to comply with this act.

History: C. 1953, 20-14-11, enacted by L. 1973, ch. 31, § 11.

1917, § 2369; R. S. 1933 & C. 1943, 25-13-11), relating to blanks for statements, and enacted new sections 20-14-11.

Compiler's Notes.

Laws 1973, ch. 31, § 11 repealed old section 20-14-11 (L. 1917, ch. 92, § 10; C. L.

20-14-12. Failure to file statement—Notice to and procedure by county attorney—Examination of books and records by state auditor—Extraordinary writ to enforce actions by state officers.—(1) Upon the failure of any personal campaign committee, party committee, person or group of persons to file a statement within five days after receiving notice under section 20-14-10, or if any statement filed discloses any violation of any provision of this act, the filing officer shall notify a county attorney of a county whose registered voters are eligible to vote in the campaign to which such campaign receipts, promises, pledges, disbursements and obligations are devoted, and shall furnish him copies of all papers in his possession relating thereto, and any such county attorney, on such complaint or the complaint of any other person, shall enter forthwith the same in a docket kept for that purpose in his office, and within twenty days thereafter shall examine every case. If the evidence is sufficient, he shall institute such civil or criminal proceedings in the name of the state as may be appropriate.

(2) Upon the failure of any personal campaign committee for governor, secretary of state or attorney general, or any other person or group of persons receiving disbursements from such personal campaign committees, or any party committee, or person or group of persons receiving expenditures from any party committee, to file a statement within five days after

receiving notice under section 20-14-11, or if, in the reasonable exercise of his discretion, the state auditor questions the accuracy or completeness of such statement, the state auditor shall examine all books and records of any personal campaign committee, party committee, person or group of persons, which books and records shall be furnished by the personal campaign committee, party committee, person or group of persons within two days of the receipt of the request by the state auditor.

(3) In the event the filing officer or county attorney refuses to take the actions provided by subsection 20-14-12 (1), or the state auditor by subsection 20-14-12 (2), any registered voter may institute appropriate proceedings for an extraordinary writ.

History: C. 1953, 20-14-12, enacted by L. 1973, ch. 31, § 12.

12; L. 1971 (1st S. S.), ch. 3, § 10), relating to inspection, preservation and copying of statements, and enacted new section 20-14-12.

Compiler's Notes.

Laws 1973, ch. 31, § 12 repealed old section 20-14-12 (L. 1917, ch. 92, § 11; C. L. 1917, § 2370; R. S. 1933 & C. 1943, 25-13-

20-14-13. Failure to file statement—Name not printed on ballot—Filing vacancy.—The name of a candidate chosen at a nominating convention or primary election, or otherwise, shall not be printed on the official ballot for the ensuing election unless the candidate's statement of contributions and expenditures shall be filed relating to candidates required by this act. Any vacancy on the ballot caused by the failure to file such statements shall be filled in the manner authorized by law.

History: C. 1953, 20-14-13, enacted by L. 1973, ch. 31, § 13.

1917, § 2371; R. S. 1933 & C. 1943, 25-13-13; L. 1971 (1st S. S.), ch. 3, § 11), relating to inspection of statements by filing officers and notice to responsible committees or persons, and enacted new section 20-14-13.

Compiler's Notes.

Laws 1973, ch. 31, § 13 repealed old section 20-14-13 (L. 1917, ch. 92, § 12; C. L.

20-14-14. Failure to file statement—Candidate disqualified to hold office.—It shall be unlawful to administer the oath of office, or to issue a certificate of nomination or of election to any candidate for the offices of governor, secretary of state or attorney general until his personal campaign committee has filed a statement as required by this act, which statement shall be complete upon its face and show compliance to the provisions herewith, and no such person shall enter upon the duties of his office until his personal campaign committee has filed such a statement, nor shall he receive any salary or fees for a period prior to the filing of the same.

History: C. 1953, 20-14-14, enacted by L. 1973, ch. 31, § 14.

L. 1917 (1st S. S.), ch. 3, § 12), relating to procedure by county attorneys and the state auditor on failure to file statements and enforcement of such official actions by extraordinary writs, and enacted new section 20-14-14.

Compiler's Notes.

Laws 1973, ch. 31, § 14 repealed old section 20-14-14 (L. 1917, ch. 92, § 13; C. L. 1917, § 2372; R. S. 1933 & C. 1943, 25-13-14;

20-14-15. Witnesses—Privilege.—No person otherwise competent as a witness shall be excused from answering any question in any proceedings

under this chapter on the ground that his answer will tend to incriminate him; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution, except in an action for perjury in giving such testimony.

History: L. 1917, ch. 92, § 14; C. L. 1917, § 2373; R. S. 1933 & C. 1943, 25-13-15.

Collateral References.

Elections ⇐ 317.

29 C.J.S. Elections § 329.

20-14-16. Limitations on expenditures for communications media by candidates for governor, secretary of state or attorney general—Apportionment among candidates of expenditures for communications media—Restrictions on expenditures by state or county committees.—The personal campaign committee of any candidate for the office of governor shall not make total disbursements for communications media during the campaign period in an amount in excess of \$100,000. The personal campaign committee for any candidate for the office of secretary of state or attorney general shall not make total expenditures for communications media during the campaign period in an amount in excess of \$50,000. If the candidate has a candidate opposing him in the party convention the limits shall be increased ten per cent and if the candidate has a candidate opposing him in the primary election the disbursement limits shall be increased an additional 20 per cent.

Any expenditure for communications media which features the name or likeness of more than one candidate (as defined in subsection 20-14-1 (c)) shall be chargeable in equal proportions to each and shall have the prior written approval of the secretary of each personal campaign committee. Any expenditure for communications media featuring other persons running for political office and the name or likeness of a candidate (as defined in subsection 20-14-1 (c)) shall be chargeable one-half to said candidate and the expenditure shall have the prior written approval of the secretary of the candidate's personal campaign committee.

Expenditures by the state or county committees shall be for the purpose of advancing the principles of the party or for the purpose of supporting the candidacy of the party candidates collectively; provided, that party committees may make contributions to a candidate's personal campaign committee, subject to the limitations of this section.

History: C. 1953, 20-14-16, enacted by L. 1973, ch. 31, § 15.

C. L. 1917, § 2374; R. S. 1933 & C. 1943, 25-13-16), relating to the prohibition against printing name on ballot of candidate failing to file statement, and enacted new section 20-14-16.

Compiler's Notes.

Laws 1973, ch. 31, § 15 repealed old section 20-14-16 (L. 1917, ch. 92, § 15;

20-14-17. Repealed.

Repeal.

Section 20-14-17 (L. 1917, ch. 92, § 16; C. L. 1917, § 2375; R. S. 1933 & C. 1943,

25-13-17), relating to disqualification of candidate by failure to file statement, was repealed by Laws 1973, ch. 31, § 17.

20-14-18. Repealed.

Repeal.

Section 20-14-18 (C. 1953, 20-14-18, enacted by L. 1971 (1st S. S.), ch. 3, § 13),

relating to limitations on expenditures, was repealed by Laws 1973, ch. 31, § 17.

20-14-19. Violation of campaign expenditures laws—Penalty—Person responsible.—Any person violating sections 20-14-2 through 20-14-16 shall be punished by a fine of not more than \$1,000 or imprisoned for a period of not more than one year, or both. Each violation of this act shall be deemed a separate offense. In the event of violation by any person or group of persons, the violation shall be that of the person who directed such violation.

History: C. 1953, 20-14-19, enacted by L. 1971 (1st S. S.), ch. 3, § 14; L. 1973, ch. 31, § 16.

Compiler's Notes.

The 1973 amendment substituted "sections 20-14-2 through 20-14-16" for "20-14-3 through 20-14-18" in the first sentence; substituted "this act" for "such sections" in the second sentence; and made minor changes in phraseology.

Title of Act.

An act amending sections 20-14-3, 20-14-4, 20-14-5, 20-14-7, 20-14-8, 20-14-10, 20-14-12, 20-14-13, and 20-14-14, Utah Code Annotated 1953, section 20-14-1, Utah Code Annotated 1953, as amended by chapter 37, Laws of Utah 1953, section 20-14-9, Utah Code Annotated 1953, as amended by chapter 37, Laws of Utah 1967, and section 20-15-1, Utah Code Annotated 1953, as amended by chapter 39, Laws of Utah 1971; enacting sections 20-14-18 and 20-14-19, Utah Code Annotated 1953; and repealing and re-enacting section 20-14-6, Utah Code Annotated 1953, relating to

political campaign funding practices; providing that political advertisements be approved by the candidate or his authorized representative; regulating campaign contributions; providing that a candidate file statements of disbursements with certain officials upon penalty of forfeiture of office; providing limitations upon the amount to be spent in political campaigns by candidates for certain public offices; providing limitations upon the campaign spending of political parties; and providing grounds to contest the election of those violating provisions of this act; and repealing sections 20-14-22 and 20-14-23, Utah Code Annotated 1953, and section 20-14-21, Utah Code Annotated 1953, as amended by chapter 37, Laws of Utah 1953.

Repealing Clause.

Section 17 of Laws 1973, ch. 31 provided: "Section 20-14-17, Utah Code Annotated 1953, and section 20-14-18, Utah Code Annotated 1953, as enacted by chapter 3, Laws of Utah 1971, First Special Session, are repealed."

20-14-20 to 20-14-23. Repealed.

Repeal.

Sections 20-14-21 to 20-14-23 (L. 1917, ch. 92, §§ 20 to 22; C. L. 1917, §§ 2379 to 2381; R. S. 1933 & C. 1943, 25-13-21 to 25-13-23; L. 1953, ch. 37, § 1), relating to

contributions by corporations and violation of corrupt practice chapter by corporate officers, was repealed by Laws 1971 (1st S. S.), ch. 3, § 17.

20-14-24. Prohibitions as to publishers, newspapers and other periodicals.—No publisher of a newspaper or other periodical circulating in this state shall insert, either in its advertising or reading columns, any paid matter which is designated or tends to aid, injure or defeat any candidate, or any political party or organization, or any measure before the people, unless it is stated therein that it is a paid advertisement and the name of the chairman or secretary or other officers of the political or other organizations inserting the same, or the name and address of some voter who is responsible therefor, shall appear in such advertisement in the nature of a signature. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election, and no

such owner, editor, publisher or agent shall accept such payment.

History: L. 1917, ch. 92, § 23; C. L. 1917, § 2382; R. S. 1933 & C. 1943, 25-13-24.

20-14-25. Statement of ownership of publication.—No publisher of any newspaper or other periodical published within this state shall insert, either in its advertising or reading columns, any matter whatsoever of a political nature, or any political editorial relative to a candidate for any public office, unless the publisher thereof shall file in the office of the secretary of state, within three months before the holding of any nominating convention or primary or general election, or within ten days after the calling of and before the holding of any special election, a sworn statement which shall contain the names of the owners of such paper; and, if such publisher is a corporation, such statement shall be executed by some responsible officer thereof who is in a position to know the facts, and shall contain the names and addresses of the owners of the shares of stock and the bonds of such corporation.

History: L. 1917, ch. 92, § 24; C. L. 1917, § 2383; R. S. 1933 & C. 1943, 25-13-25.

Collateral References.

Elections—317.

29 C.J.S. Elections § 329.

20-14-26. Declaration of interest in publication.—Every candidate, and every member of any personal campaign or party committee, who, either in his own name or in the name of any other person, owns any financial interest in any newspaper or other periodical circulating in this state, before such newspaper or periodical shall print any matter, otherwise than as is provided in section 20-14-24, which is intended or tends to influence, directly or indirectly, any voting at any primary or election in this state, shall file in the office of the county clerk of the county in which he resides a verified declaration stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or periodical who prints or causes to be printed any such matter prior to the filing of such verified declaration is guilty of a misdemeanor.

History: L. 1917, ch. 92, § 25; C. L. 1917, § 2384; R. S. 1933 & C. 1943, 25-13-26.

20-14-27. Paid advertisements permitted.—No owner, publisher, editor, reporter, agent or employee of any newspaper or other periodical shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay or in any manner compensate any such owner, publisher, editor, reporter, agent or employee, directly or indirectly, for influencing or attempting to influence by means of any printed matter in such newspaper any voting at any election or primary through any means whatsoever, except through the

matter inserted in such newspaper or periodical as "paid advertisement" and so designated as provided by law, and the compensation for inserting any such paid advertisement shall in no case exceed the regular rate charged by such newspaper or periodical for such service.

History: L. 1917, ch. 92, § 26; C. L. 1917, § 2385; R. S. 1933 & C. 1943, 25-13-27. 29 C.J.S. Elections § 329.

Constitutionality, construction, and application of statute respecting political advertising, 168 A. L. R. 886.

Collateral References.
Elections↔317.

20-14-28. False statements in relation to candidates forbidden.—No person shall knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, proposed constitutional amendment or other measure, which is intended or tends to affect any voting at any primary, convention or election.

History: L. 1917, ch. 92, § 27; C. L. 1917, § 2386; R. S. 1933 & C. 1943, 25-13-28.

20-14-29. False impersonation—Double voting.—Every person is guilty of a felony who at any primary or election applies for a ballot in the name of some other person, whether it is that of a person living or dead, or of a fictitious person, or who, having voted once at a primary or election, applies at the same election for a ballot in his own name or any other name, and shall be punished by imprisonment in the state prison at hard labor for not less than one nor more than three years. Any person who aids, abets, counsels or procures the commission of such felony shall be subject to the same penalty.

History: L. 1917, ch. 92, § 28; C. L. 1917, § 2387; R. S. 1933 & C. 1943, 25-13-29. Collateral References.

Elections↔317.
29 C.J.S. Elections § 329.

20-14-30. Wagering on elections forbidden.—Any candidate who before or during any primary or election campaign makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager, on the result of the primary or election, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election, is guilty of a felony. Any person who makes any bet or wager of anything of pecuniary value on the result of any primary or election, or on any event or contingency relating thereto, is guilty of a misdemeanor, and, in addition thereto, any such act shall be a ground of challenge against his right to vote. Any person who, directly or indirectly, makes a bet or wager with any voter, depending upon the result of any impending primary or election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such primary or election, is guilty of a misdemeanor.

History: L. 1917, ch. 92, § 29; C. L. 1917, § 2388; R. S. 1933 & C. 1943, 25-13-30.

Cross-Reference.

Grounds for challenge generally, 20-7-18.

20-14-31. Inducing attendance at polls—Payment of workers.—It shall be unlawful for any person to pay another for any loss due to attendance at the polls or to registering; provided, that this shall not be construed to permit an employer to make any deduction from the usual salary or wages of any employee while in attendance at the polls for the purpose of voting. No person shall pay for personal service performed or to be performed on the day of a caucus, primary, convention or election, or for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots.

History: L. 1917, ch. 92, § 30; C. L. 1917, § 2389; R. S. 1933 & C. 1943, 25-13-31.

Collateral References.

Elections↔317.

29 C.J.S. Elections § 329.

Cross-Reference.

Refusing employees time to vote, 20-13-18.

20-14-32. Repealed.**Repeal.**

Section 20-14-32 (L. 1917, ch. 92, § 30; C. L. 1917, § 2389; R. S. 1933 & C. 1943,

25-13-32), relating to furnishing conveyances to polls, was repealed by Laws 1975, ch. 59, § 2.

20-14-33. Promises of appointment to office forbidden.—No person shall, in order to aid or promote his nomination or election, directly or indirectly, appoint or promise to appoint any person, or secure or promise to secure, or aid in securing the appointment, nomination or election of any person, to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or prevent a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for such office or nomination.

History: L. 1917, ch. 92, § 31; C. L. 1917, § 2390; R. S. 1933 & C. 1943, 25-13-33.

Collateral References.

Elections↔317.

29 C.J.S. Elections § 329.

20-14-34. Inducements not to become candidate.—No person shall pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing him to be, or to refrain from or cease being, a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

History: L. 1917, ch. 92, § 32; C. L. 1917, § 2391; R. S. 1933 & C. 1943, 25-13-34.

20-14-35. Eleemosynary institutions may not solicit candidates.—No person shall demand, solicit, ask for or invite any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily or principally for the public good from a person who seeks to be or has been nominated to any office; and no candidate shall make any such payment or contribution, if it shall be demanded or asked, during the time he is a candidate for nomination or election to any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, or nomination paper or petition, or to the performance of any duty imposed by law on a political committee.

History: L. 1917, ch. 92, § 33; C. L. 1917, § 2392; R. S. 1933 & C. 1943, 25-13-35. **Collateral References.** Elections↔317. 29 C.J.S. Elections § 329.

20-14-36. Appointees may not serve as delegate or committeeman.—No holder of a salaried position, other than an office filled by the voters, shall be a delegate to a convention that nominates the officer under whom he, directly or indirectly, holds such position, nor shall he be a member of a party committee for the state, district or municipality by which he is employed.

History: L. 1917, ch. 92, § 34; C. L. 1917, § 2393; R. S. 1933 & C. 1943, 25-13-36.

20-14-37. Exchange of convention credentials and support forbidden.—No person or persons shall invite, offer or effect the trade, transfer or exchange of any convention credential, or the vote or support of any delegate to any political convention, in exchange for any money or thing of value, or in exchange for any credential, or for the support or vote of any delegate for any person or candidate for any political office or nomination.

History: L. 1917, ch. 92, § 35; C. L. 1917, § 2394; R. S. 1933 & C. 1943, 25-13-37. **Collateral References.** Elections↔317. 29 C.J.S. Elections § 329.

20-14-38. Abetting violation of chapter—Penalty.—Any person who shall aid, abet or advise a violation of any provision of this chapter, except as otherwise provided, shall be guilty of a misdemeanor.

History: L. 1917, ch. 92, § 36; C. L. 1917, § 2395; R. S. 1933 & C. 1943, 25-13-38.

20-14-39. Prosecutions—Venue.—Violations of the provisions of this chapter respecting the payment of money or making contributions or rendering services may be prosecuted in the county where such payment or contribution is made, or services rendered, or in any county wherein such money has been paid or distributed.

History: L. 1917, ch. 92, § 37; C. L. 1917, § 2396; R. S. 1933 & C. 1943, 25-13-39.

20-14-40. Proceedings by private elector.—If any elector of the state shall have within his possession information that any provision of this chapter has been violated by any candidate for whom such elector had the right to vote, or by any personal campaign committee of such candidate or any member thereof, he may, by verified petition, apply to a district judge of the district in which such violation has occurred, to the attorney general or to the governor for leave to bring a special proceeding to investigate and determine whether or not there has been such violation by such candidate, or by such committee or member thereof, and for appointment of special counsel to conduct such proceeding in behalf of the state.

If it shall appear from such petition or otherwise that such candidate, or committee or member thereof, has violated any provision of this chapter and that sufficient evidence is obtainable to show that there is probable cause to believe that such proceeding may be successfully maintained, then such judge, the attorney general or the governor shall grant leave to bring such proceeding, and shall appoint special counsel to conduct the same.

If such leave is granted and such counsel is appointed, such elector may, by a special proceeding brought in the district court in the name of the state upon the relation of such elector, investigate and determine whether or not such candidate, or committee or member thereof, has violated any provision of this chapter; but nothing contained herein shall be considered as in any way limiting the effect or preventing the operation of other remedies existing in such cases.

History: L. 1917, ch. 92, § 38; C. L. 1917, § 2397; R. S. 1933 & C. 1943, 25-13-40.

Collateral References.

Elections ⇄ 317.

29 C.J.S. Elections § 329.

20-14-41. Pleadings—Procedure.—In such proceeding the complaint shall be served with the summons and shall set forth the name of the person whose election is contested and the grounds of the contest in detail, and shall not thereafter be amended except by leave of the court. The summons and complaint in the proceeding shall be filed within five days after service thereof.

The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint. Any allegation of new matter in the answer shall be deemed controverted by the adverse party without reply, and thereupon the proceeding shall be at issue and stand ready for trial upon five days' notice of trial.

All such proceedings shall have precedence over any civil cause of a different nature pending. The court shall always be deemed open for the trial thereof and the same shall be tried and determined as a civil action, but the court shall, without a jury, determine all issues of fact as well as issues of law.

If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may in its discretion order the proceedings consolidated and heard together, and may equitably apportion costs and disbursements.

In all such proceedings either party shall have the right of change of venue as provided by law in civil actions, but application for such change must be made within five days after service of summons and complaint, and the order for such change, if made, shall be made within three days after the making of such application and the papers shall be transmitted forthwith. Any neglect of the moving party to procure such transmittal within such time shall be a waiver of his right to such change of venue.

If judgment is in favor of the plaintiff, the relator may recover his taxable costs and disbursements against the person whose right to the office is contested, but no judgment for costs shall be awarded against the relator, unless it shall appear that such proceeding was instituted otherwise than in good faith. All costs and disbursements in such cases shall be in the discretion of the court.

History: L. 1917, ch. 92, § 39; C. L. 1917, § 2398; R. S. 1933 & C. 1943, 25-13-41.

1. Complaint.

In contest of election, complaint which charged that defendant made \$10 contribution of money to one of judges of voting district for political purposes, held sufficient to advise defendant as to what he had to meet and to confer jurisdiction upon court. *Skewes v. Bliss*, 58 U. 51, 196 P. 850.

2. Findings.

In contest of election, wherein it was

charged that defendant made \$10 contribution of money to one of judges of voting district for political purposes, held mere fact that defendant, under direction of county chairman, handed his campaign contribution to party to be taken to precinct judge of election whom he erroneously believed to be precinct chairman would not sustain finding that defendant contributed money for "political purposes in manner not sanctioned by law." *Skewes v. Bliss*, 58 U. 51, 196 P. 850.

Collateral References.

Elections ⇨ 317.

29 C.J.S. Elections § 329.

20-14-42. Judgment and findings—Appeal.—(1) If the court shall find that the candidate whose right to any office is being investigated, or his personal campaign committee or any member thereof, has violated any provision of this chapter in the conduct of the campaign for nomination or election, and if such candidate is not one mentioned in subsection (2) hereof, judgment shall be entered declaring void the election of such candidate to the office for which he was a candidate, and ousting and excluding him from office and declaring the office vacant. The vacancy thus created shall be filled in the manner provided by law, but no person found to have violated any provision of this chapter shall be eligible to fill any office, or to become a candidate for any office, candidates for which have been voted for at the primary or election in connection with which such violation occurred.

(2) If such proceeding has been brought to investigate the right of a candidate for member of either house of the state legislature, or for senator or representative in Congress, and the court shall find that such candidate or any member of his personal campaign committee has violated any provision of this chapter in the conduct of the campaign for nomination or election, the court shall make its findings to such effect, and shall forthwith, without final adjudication, certify its findings to the secretary of state, to be by him transmitted to the presiding officer of the legislative body as a member of which such person is a candidate.

(3) Appeals may be taken from the determination of the court in such proceedings in the same manner as appeals may be taken in civil actions, but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction shall issue in any such case suspending or staying any proceeding therein or connected therewith, except upon application to the court, or the presiding judge thereof, upon notice to all parties and after hearing.

(4) No judgment entered as provided for herein shall be any bar to, or affect in any way, any criminal prosecution of any candidate or other person.

History: L. 1917, ch. 92, § 40; C. L. 1917, § 2399; R. S. 1933 & C. 1943, 25-13-42.

Cross-Reference.

Supplemental judgment after conviction, 20-14-45.

20-14-43. Special counsel on appeal.—If the judgment of the trial court is appealed from in such proceeding, the district judge, the attorney general or the governor who made the appointment of special counsel for the trial court shall authorize such counsel, or some other person, to appear as special counsel in the Supreme Court in such matter.

The special counsel provided for by this chapter shall receive a reasonable compensation for his services. Such compensation shall be audited by the secretary of state and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made; that the person so appointed has faithfully performed the duties imposed upon him; and that the number of days stated in such voucher have been consumed in conducting such litigation and in preparation therefor. Such compensation shall be audited and paid in the same manner as other claims against the state are audited and paid.

History: L. 1917, ch. 92, § 41; C. L. 1917, § 2400; R. S. 1933 & C. 1943, 25-13-43; L. 1961, ch. 43, § 1.

second paragraph limiting the amount of compensation that may be paid special counsel.

Compiler's Notes.

The 1961 amendment deleted a provision at the end of the first sentence of the

Collateral References.

Elections↔317.
29 C.J.S. Elections § 329.

20-14-44. Witnesses—Privilege.—No person shall be excused from testifying in such proceeding, or in any proceeding for the violation of, or growing out of, the provisions of this chapter, on the ground that his testimony may expose him to prosecution for any crime, misdemeanor or forfeiture. But no person shall be subjected to any penalty or forfeiture, except forfeiture of nomination or election to office, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding or examination.

History: L. 1917, ch. 92, § 42; C. L. 1917, § 2401; R. S. 1933 & C. 1943, 25-13-44.

20-14-45. Supplemental judgment after conviction.—If any person shall, in a criminal action, be adjudged guilty of any violation of this chapter while a candidate for any office under the constitution or laws of this state, or under any ordinance of any municipality, other than the office of state senator or state representative, the court shall, after entering the adjudication of guilt, enter a supplemental judgment declaring such person to have forfeited such office, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment; and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a similar action, be found guilty of any violation of this chapter committed while he was a member of the personal campaign committee of any candidate for any such office, the court before which such action is tried shall, immediately after entering such adjudication of guilt, enter a supplemental judgment declaring such candidate to have forfeited such office, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment; and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a criminal action, be adjudicated guilty of any violation of this chapter, committed while he was a candidate for the office of state senator, state representative, United States senator or representative in Congress, or while he was a member of the personal campaign committee of any such candidate, the court after entering such adjudication of guilt shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred a certificate setting forth such adjudication of guilt.

Any court having jurisdiction to enter an adjudication of guilt in any such criminal action is hereby vested with jurisdiction to enter such supplemental judgment, transmit a transcript thereof, and issue a certificate as provided in this section.

History: L. 1917, ch. 92, §43; C. L. 1917, §2402; R. S. 1933 & C. 1943, 25-13-45.

Collateral References.

Elections—317.
29 C.J.S. Elections § 329.

Cross-Reference.

Judgment and finding generally, 20-14-42.

20-14-46. Cost of defense of action no part of campaign expense.—Nothing contained in this chapter shall prevent any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate, or from paying all costs and disbursements necessarily incident thereto. No expense so paid or incurred shall be deemed part of the campaign expenses of any such candidate.

History: L. 1917, ch. 92, §44; C. L. 1917, §2403; R. S. 1933 & C. 1943, 25-13-46.

20-14-47. Violation of chapter—Penalty—Forfeits right to office.—Any person violating any provision of this chapter, unless it is otherwise herein provided, is guilty of a misdemeanor; and no person convicted thereof shall be permitted to take or hold the office to which he was elected, if any, or receive the emoluments thereof.

History: L. 1917, ch. 92, § 45; C. L. 1917, § 2404; R. S. 1933 & C. 1943, 25-13-47.

Collateral References.

Elections ⇔ 317.
29 C.J.S. Elections § 329.

CORRUPT PRACTICES IN ELECTIONS RULES AND REGULATIONS

SECTION I -

These rules and regulations are promulgated and adopted pursuant to U.C.A., Section 20-14-7 (3), to carry out the purposes and intent of this Act.

These rules and regulations are not intended to and do not abrogate or relieve the candidate and the secretary of his personal campaign committee from any and all other requirements set forth in the statute not herein specifically referred to or enumerated.

SECTION II -

3.A. The initial personal campaign committee of any candidate shall be designated in a written statement filed with the State Auditor signed by the candidate himself. Any subsequent redesignations of the personal campaign committee may be signed by either the candidate or his secretary. The statement shall contain the name of the personal campaign committee and the respective names and addresses for each member thereof and a specific designation as to who the secretary is. One natural person with an address other than a P.O. box number must be designated as the secretary of a personal campaign committee at all times. The statement shall contain an effective date or in the absence of an effective date, the effective date of the personal campaign committee shall be the date stamped received by the State Auditor. Any candidate may revoke in writing the designation of any individual on the personal campaign committee with proof of personal service on the member whose designation is so revoked. Proof of personal service shall be sufficient if a written statement is filed by the candidate or secretary of said committee that notice of revocation was sent postage prepaid to said member's last-known address. Any individual may voluntarily withdraw from the personal campaign committee upon filing a written notice with the State Auditor to that effect, and the date of such withdrawal shall be the date written notice is received by the State Auditor.

B. The personal campaign committee of any candidate shall be that committee which has the ultimate responsibility for any and all expenditures for political purposes on behalf of the candidate. No expenditure may be made by any personal campaign committee without the express written authorization of the secretary of the personal campaign committee of any candidate. Said secretary of the personal campaign committee shall be personally responsible for all verified statements filed with the State Auditor and for maintaining correctly all records, receipts and expenditures on behalf of said candidate. Any candidate may act as his own personal campaign committee secretary upon written notification to the State Auditor thereof.

4. It is the responsibility of the candidate and his personal campaign committee secretary to assure that any and all expenditures made directly and/or indirectly for political purposes on behalf of the candidate are made through and with the approval of the personal campaign Committee. The candidate or his personal campaign committee shall maintain a separate bank account for campaign receipts and expenditures. Expenditures incurred for hotel and travel expenses need not be made through the personal campaign committee.

5. Under U.C.A., Section 20-14-5, a signed statement in derogation of stand on forms provided by the State Auditor by any person shall be sufficient written authorization to accept political expenditures. U.C.A., Section 20-14-5 does not apply to "talk shows, editorials, and other public expressions of interest" that may mention a candidate providing said expression has not been specifically purchased or donated for political purposes as defined by the Act.

7.A. The secretary of the personal campaign committee of every candidate for the office of governor, secretary of state and attorney general, state and county party committees, persons and groups of persons, shall file with the State Auditor a verified financial statement on forms provided by the State Auditor on the dates prescribed in the statute. Said verified financial statement shall accurately reflect all expenditures and contributions as defined by the Act for political purposes on forms provided by the State Auditor. The statement shall be signed by the secretary of the committee and subscribed and sworn to before a notary public.

B. The verified financial statement shall contain a summary of the preceding statements and shall include all expenditures and contributions not previously accounted for and reported. All expenditures shall include each and every expenditure made on behalf of the candidate for political office whether subject to the spending limitations or not. The estimated value of volunteer services need not be included in any statement.

C. All expenditures incurred and contributions received after January 1 of the year in which the election is held or the date that the candidate announces his candidacy for any office, whichever date is earlier, must be reported on the verified financial statements filed with the State Auditor. The first statement is due on June 10th; however, any candidate may file an earlier statement for his own convenience but not to alleviate any of the requirements under the statute and these regulations with the State Auditor. The date of announcement shall be deemed to be the date that the candidate formally or informally announces before any group of people or the date upon which he causes any written material, brochures, advertisements, placards, etc., to be distributed, indicating his intent to seek an elected office whether that office is specifically designated or not. Any expenditures reasonably necessary and incidental to said announcement or the distribution and preparation of any

brochures evidencing an announcement shall be included in the expenditure's report filed with the State Auditor. A beginning balance of cash on hand on behalf of any candidate for political purposes must be set forth in the initial financial statement filed with the State Auditor.

D. Receipts under twenty-five dollars (\$25.00) from mass rallies, banquets and dinners, and other mass fund-raising activities need only be reported as total receipts. Expenditures from such activities must be itemized. All state and county party committees, persons and groups of persons, shall report all expenditures made and contributions received after January 1 of the year in which the election is held and shall further provide a statement of the beginning cash balance as of January 1 of the year in which the election is held.

E. The candidate and the secretary of the personal campaign committee shall be responsible to assure that the communications' media have written authorization for any expenditures made by said candidate or personal campaign committee. Duplicated copies of written authorizations are sufficient provided the expenditure is identified. All communications' media shall file a verified financial statement for each committee or candidate on the dates prescribed in the statute. If no expenditures or receipts have been received during any given period, a statement need not be filed. Said statement shall be filed on forms prepared by the office of the Utah State Auditor.

8.A. For purposes of the contribution and expenditure reporting requirements, a group of persons shall include both natural and legal persons and shall include all political organizations, political action committees, personal campaign committees, county, state and other party committees, and all other organizations or entities having as an objective the goal of supporting candidates for public office.

B. Each verified financial statement shall have supporting documentation which, in the opinion of the Utah State Auditor, is sufficient to verify the accuracy of the amounts set forth in the financial statements. All financial statements shall include photographic or carbon copies of all checks for expenditures and receipts. Affidavits signed before a notary public are required to be attached as supporting documentation to the financial statements for all cash received or disbursed and each promised pledge or contract entered into for the expenditure of funds. A listing of all contributions received, showing the date, the donor, the business or occupation of the donor, the address of the donor, and the amount received on forms provided by the State Auditor, together with photocopies of all bank statements will be required as supporting documentation with respect to contributions received.

12. Upon the failure of any personal campaign committee, party committee, person or group of persons to comply with the provisions of U.C.A., Section 20-14-1, *et seq.*, within five days after receiving notice under Section 20-14-10, said candidate or his personal campaign

committee, or any other organization may request a hearing before the Utah State Auditor who thereafter may refer the entire matter to the Utah Attorney General's Office for appropriate legal action.

16.A All disbursements for any candidate must be reported if incurred after January 1 of the year in which the election is held or after announcement by the candidate as hereinabove defined. Disbursements for communications' media subject to the limitations set forth in U.C.A., Section 20-14-16, shall mean only actual expenditures incurred during the campaign period, as defined by statute. Expenditures incurred during the campaign period, but not paid until later, are subject to the spending limitations and reporting requirements. All expenditures incurred prior to May 10th must be paid prior to May 10th, to be excluded from the spending limitations.

B. The spending limitations for any candidate for the office of governor shall be one hundred thousand dollars (\$100,000) for communications' media, if the candidate has no opponent in a party convention or primary election. The spending limitations are increased for a candidate for the office of governor to one hundred and ten thousand dollars (\$110,000), if the candidate has a party convention opponent and are increased to one hundred and thirty thousand dollars (\$130,000), if the candidate has a primary election opponent.

C. The spending limitation for the office of the secretary of state or attorney general for any candidate for communications' media shall be fifty thousand dollars (\$50,000), if no party convention or primary election opponent. If a candidate has a party convention opponent, the limitation shall be fifty-five thousand dollars (\$55,000), and if the candidate has a primary election opponent, the limit shall be sixty-five thousand dollars (\$65,000).

