

Lieutenant Governor's Office
Lobbyist Training Course
2016 Study Manual

Note: As per R623-1-4, you must complete the online course and pay the registration fee before your license becomes effective. Failure to timely complete the course may result in penalties as allowed by law.

Answer all 25 questions correctly to receive credit for taking the course. The questions below are the same which appear in the online key exercises—although not in the same order.

Training Exercise Questions

Answers in Bold

I. Registering

Choose the best answer. Which of the following actions may require you to register as a lobbyist if you are not accompanied by a registered lobbyist?

- A. Appearing before a standing committee on behalf of your employer to testify in favor of or in opposition to a bill
- B. Communicating on behalf of your employer with the governor regarding an appointment or nomination
- C. Giving event tickets to all legislators three months before the legislature considers a matter that affects your (or your employer's) business interests

D. All of the above

UCA 36-11-102

According to UCA 36-11-103(3)(b), a license entitles a person to serve as a lobbyist on behalf of one or more principals and always expires on:

- A. The lobbyist's birthday
- B. The one-year anniversary of licensure
- C. The two-year anniversary of licensure

D. December 31st of each even-numbered year—regardless of the beginning date

UCA 36-11-103(3)(b)

Choose the best answer. Lobbyist means:

- A. An individual who is employed by a principal
- B. An individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

- C. All of the above**
- D. None of the above

UCA 36-11-102(14)

Choose the best answer. Lobbyist does not include:

- A. A government officer, member or employee of the legislative branch of state government, a person, including a principal, while appearing at, or providing written comments to, a hearing conducted in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#) or [Title 63G, Chapter 4, Administrative Procedures Act](#).
- B. A person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature or any agency or department of state government, except legislative standing, appropriation, or interim committees OR a representative of a political party or an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official.
- C. A newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action.
- D. an individual who appears on the individual's own behalf before a committee of the Legislature or an agency of the executive branch of state government solely for the purpose of testifying in support of or in opposition to legislative or executive action; or an individual representing a business, entity, or industry, who: (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.
- E. All of the above**

UCA 36-11-102(11)

True or False: A person who willfully and knowingly violates sections of the Lobbyist Disclosure and Regulation Act may be subject to fines up to \$1,000 for each violation and \$5,000 for each subsequent violation.

- A. True**
- B. False

UCA 36-11-401

After your lobbyist license expires and you do not renew, what does the law require of you before you can be relieved of the reporting requirement?

- A. Nothing. Your license has expired, so it's no big deal
- B. Continue to report until you file a statement as defined in 36-11-201(6) which includes a declaration that you have ceased lobbying activity**

- C. File a final report with your clients
 - D. Apologize
-

II. Regulation

True or False: A lobbyist may not seek to influence the vote of any legislator through communication with the legislator's employer.

- A. True**
- B. False

UCA 36-11-302

Other than for food or beverage, a lobbyist may not make or offer to make aggregate daily expenditures that exceed:

- A. \$1
- B. \$10**
- C. \$50
- D. \$100

UCA 36-11-304(1)

A lobbyist invites all members of the legislature to a non-approved, private sporting event (not for charity or political purposes). This expenditure is considered:

- A. Allowable but reportable
- B. Allowable and not reportable
- C. Prohibited**
- D. Allowable only if approved by the lobbyist

UCA 36-11-304(1)

Scenario: A lobbyist invites all members of the legislature to a non-approved, private event (not for charity or political purposes) which is unrelated to the governmental duties of the legislature. The lobbyist pays for all of the food (valued at \$30/plate) and musical entertainment (valued at \$24/person). Which of these items may cause the lobbyist to be in violation of UCA 36-11-304(1)?

- A. Food
- B. Entertainment**
- C. Food and entertainment
- D. Neither

UCA 36-11-304(1)

Which of the following items is NOT considered an expenditure? (Note: See the list of exemptions in 36-11-102(6)(b) “*Expenditure*” does not mean . . .)

- A. Admission to private sporting events (valued at more than \$10)
- B. Travel for a family vacation
- C. Admission to an event, tour, or meeting sponsored by a governmental entity**
- D. Admission to an event sponsored by a private entity unrelated to governmental duties of the public official (valued at more than \$10)

UCA 36-11-102(6)(b)

Which of the following describes a meeting or activity which has the greatest potential to be allowable and reportable?

- A. Tour of a facility responsible for major infrastructure within the State of Utah**
- B. Admission to a professional baseball game (seats valued at over \$10)
- C. Admission to an art exhibit (admission valued at over \$10)
- D. Skydiving adventure (definitely valued at over \$10)

UCA 36-11-102(23) and UCA 36-11-304(2)

True or False: A campaign contribution – or promise to make a contribution – from a lobbyist to a legislator, a legislator’s personal campaign committee, or a political action committee controlled by a legislator is prohibited during the time the Legislature is convened in annual general session, veto override session, or special session.

- A. True**
- B. False

UCA 36-11-305

True or False: If a lobbyist wants to invite a public official to go golfing, he/she can call the event “a meeting or tour” to be considered allowable under UCA 36-11-304.

- A. True
- B. False**

UCA 36-11-304(1), UCA 36-11-102

Choose the best answer: Which of the following is a violation, as described in UCA 36-11-301, 302, or 303?

- A. An employer compensating a lobbyist contingent upon the passage or defeat of a bill
- B. Seeking to influence the vote of a legislator through communication with the legislator’s employer
- C. Intentionally communicating false information to a public official which is materially related to a matter within the responsibility of the public official
- D. All of the above**

UCA 36-11-301, 302, 303

True or False: If a lobbyist leaves employment with a principal and fails to submit the cancellation form and/or future reports, the principal is now responsible to pay any applicable fines while the lobbyist goes “free and clear.”

- A. True
- B. False**

UCA 36-11-401

Choose the best answer: The food reimbursement rate is

- A. \$10 regardless of the time of day
- B. The total amount set by the Division of Finance for in-state meal reimbursement, for an employee of the executive branch, for the entire day (\$40.00 as of August 2015)**
- C. Whatever you would like it to be
- D. None of the above

UCA 36-11-304(1)

III. Reporting

Choose the best answer: Which of the following expenditures are *allowed when they are reported*?

- A. Food and beverage that exceed the food reimbursement rate
- B. Travel and lodging that exceed \$10
- C. Admission to or attendance at a tour or meeting (not approved activity) that exceed \$10
- D. All of the above**

UCA 36-11-102

True or False: All lobbyists are required to file a Year End report on January 10, but a lobbyist who does not make any expenditures during a quarterly reporting period is not required to file the zero quarterly report.

- A. True**
- B. False

UCA 36-11-201(1)(a)(ii)

True or False: The law contains provisions which enable a lobbyist to avoid reporting expenditures by splitting the cost with other lobbyists.

- A. True

B. False

UCA 36-11-102

When given to a public official by a lobbyist, which of the options below would not be reported under UCA 36-11 (*Lobbyist Disclosure and Regulation Act*) but may be reportable under UCA 20A-11 (*Campaign and Financial Reporting Requirements*)?

- A. Lunch for a public official
- B. Reimbursement for travel to a meeting related to the public official's governmental duties
- C. Admission to a golf event for political fundraising**
- D. A book about vampires

UCA 36-11-201 and UCA 20A-11-701

Which of the following is a valid excuse for failing to file your quarterly report on time?

- A. "I or my secretary forgot, but at least I got it filed the next day"
- B. "I am really not a lobbyist; I am paid by an organization to seek legislative funding for our non-government entity."
- C. "I am not one of the corrupt lobbyists. My interests are pure."
- D. None of the above**

UCA 36-11-102 and UCA 36-11-201

True or False: the quarterly deadlines for filing lobbyist reports are April 10, July 10, October 10, and January 10 (**all due by 5 p.m.**).

- A. True**
- B. False

UCA 36-11-201(2)

True or False: Lobbyists who fail to complete the ethics training course could be subject to fines up to \$1,000.

- A. True**
- B. False

UCA 36-11-401

How often must you successfully complete the key exercises of the Ethics Training Course?

- A. Quarterly
- B. Once each year and before your registration is approved**
- C. Monthly
- D. once every 2 years

Statutes:

R623-1-4. Registration/License Application Procedure

A. In order to register and obtain a license, a lobbyist shall:

1. Pay the registration fee as required by 36-11-103 and successfully complete the training as required by 36-11-307.

2. File a registration/license application statement in compliance with the provisions of Section 36-11-103. The lieutenant governor's office shall make available forms that comply with Section 36-11-103. The lobbyist may either:

(a) Submit the completed form to the lieutenant governor's office; or

(b) File the lobbyist registration/license application by completing the electronic form available on the Utah Lobbyist Online system; and submit the completed signature authorization form to the lieutenant governor's office.

B. Upon receipt of a completed lobbyist registration/license application form the lieutenant governor's office shall:

1. Review the registration form for accuracy, completeness and compliance with the law;

2. Approve or disapprove the registration/license application; and

3. Notify the lobbyist in writing within 30 days of approval or disapproval.

C. An applicant who has not been convicted of any of the offenses listed in Section 36-11-103(4)(a)(i), and who has not had a civil penalty imposed as described in Section 36-11-103(4)(a)(ii), may commence lobbying activities upon filing of a completed registration/license application form with the lieutenant governor's office and payment of the registration fee.

D. By applying for a license, the lobbyist certifies that the lobbyist intends to engage in lobbying activities under the circumstances stated in the application or supplements filed with the lieutenant governor's office during the time the registration and license are valid.

1. If a lobbyist intends to cease all lobbying activities for the remainder of the period of licensure, the lobbyist shall notify the lieutenant governor's office in writing and surrender the license.

2. If the lobbyist has a change in circumstances that affects the lobbyist's activities, the lobbyist shall notify the lieutenant governor's office in writing.

3. If a lobbyist has surrendered the license and then decides to reengage in lobbying activities, a reissued license without a fee may be requested, if it is within the 2-year period of the original registration.

4. The lobbyist must submit a written request to the lieutenant governor's office in order to have the license reissued.

5. A reissued license expires on December 31 of each even numbered year in accordance with Section 36-11-103(3)(b).

E. A lobbyist may add and delete principals and provide other notices electronically as prescribed by the lieutenant governor's office.

20A-11-701 Campaign financial reporting by corporations – Filing requirements – Statement contents – Donor reporting and notification required.

(1) (a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

- (ii) seven days before the state political convention for each major political party;
- (iii) seven days before the regular primary election date;
- (iv) on September 30; and
- (v) seven days before the regular general election date.

(b) The corporation shall report:

- (i) a detailed listing of all expenditures made since the last financial statement;
- (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and
- (iii) whether the corporation, including an officer of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:
 - (A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;
 - (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;

or

- (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

(c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.

(d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(2) The financial statement shall include:

- (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;
- (b) the total amount of expenditures disbursed by the corporation:
 - (i) since the last financial statement; and
 - (ii) during the calendar year;
- (c) (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or
 - (ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and
- (d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

(3) (a) The report required by Subsection (2)(c)(ii) shall include:

- (i) the name and address of each donor;
- (ii) the amount of the money received by the corporation from each donor; and
- (iii) the date on which the corporation received the money.

(b) A corporation shall report money received from donors in the following order:

- (i) first, beginning with the least recent date on which the corporation received money that the corporation has not reported in a previous financial statement, the money received from a donor that:
 - (A) requests that the corporation use the money to make an expenditure;
 - (B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make an expenditure; or
 - (C) knows that the corporation may use the money to make an expenditure; and
- (ii) second, divide the difference between the total amount of expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:
 - (A) are not described in Subsection (3)(b)(i);

(B) gave at least \$50 during the calendar year or previous calendar year; and

(C) have not been reported in a previous financial statement.

(c) If the amount reported under Subsection (3)(b) is less than the total amount of expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.

(d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.

(e) (i) For all individual donations of \$50 or less, the corporation may report a single aggregate figure without separate detailed listings.

(ii) The corporation:

(A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than \$50; and

(B) shall separately report donations described in Subsection (3)(e)(ii)(A).

(4) If a corporation makes expenditures that total at least \$750 during a calendar year, the corporation shall notify a person giving money to the corporation that:

(a) the corporation may use the money to make an expenditure; and

(b) the person's name and address may be disclosed on the corporation's financial statement.

36-11-101. Short title.

This chapter is known as the "Lobbyist Disclosure and Regulation Act."

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

(2) "Approved activity" means a tour or a meeting:

(a) (i) to which a legislator is invited; and

(ii) attendance at which is approved by:

(A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives; or

(B) the president of the Senate, if the public official is a member of the Senate; or

(b) (i) to which a public official who holds a position in the executive branch of state government is invited; and

(ii) attendance at which is approved by the governor or the lieutenant governor.

(3) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.

(4) (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.

(b) "Compensation" includes:

- (i) a salary or commission;
- (ii) a bonus;
- (iii) a benefit;
- (iv) a contribution to a retirement program or account;
- (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to Social Security deductions, including a payment in excess of the maximum amount subject to deduction under Social Security law;
- (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
- (vii) income based on an individual's ownership interest.

(5) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:

- (a) because of the public official's ownership interest in the compensation payor; or
- (b) for services rendered by the public official on behalf of the compensation payor.

(6) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.

(7) "Executive action" means:

- (a) a nomination or appointment by the governor;
- (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#);
- (c) agency ratemaking proceedings; or
- (d) an adjudicative proceeding of a state agency.

(8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:

- (i) a purchase, payment, or distribution;
- (ii) a loan, gift, or advance;
- (iii) a deposit, subscription, or forbearance;
- (iv) services or goods;
- (v) money;
- (vi) real property;
- (vii) a ticket or admission to an event; or
- (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item

listed in Subsections (8)(a)(i) through (vii).

(b) "Expenditure" does not mean:

- (i) a commercially reasonable loan made in the ordinary course of business;
- (ii) a campaign contribution reported in accordance with [Title 20A, Chapter 11, Campaign and Financial Reporting Requirements](#);

(iii) printed informational material that is related to the performance of the recipient's official duties;

- (iv) a devise or inheritance;
- (v) any item listed in Subsection (8)(a) if:

(A) given by a relative;

(B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official;

(C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or

(D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures do not exceed \$10;

(vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are invited:

(A) all members of the Legislature;

(B) all members of a standing or interim committee;

(C) all members of an official legislative task force;

(D) all members of a party caucus; or

(E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;

(vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:

(A) giving a speech at the event;

(B) participating in a panel discussion at the event; or

(C) presenting or receiving an award at the event;

(viii) a plaque, commendation, or award that:

(A) is presented in public;

(B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or award;

(ix) a publication having a cash value not exceeding \$30;

(x) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:

(A) to solicit contributions reportable under:

(I) [Title 20A, Chapter 11, Campaign and Financial Reporting Requirements](#); or

(II) 2 U.S.C. Sec. 434; or

(B) charitable solicitation, as defined in Section [13-22-2](#);

(xi) travel to, lodging at, food or beverage served at, and admission to an approved activity;

(xii) sponsorship of an event that is an approved activity;

(xiii) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:

(A) that is sponsored by a governmental entity; or

(B) that is widely attended and related to a governmental duty of a public official; or

(xiv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to the state.

(9) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Subsection [63A-3-107](#), for in-state meal reimbursement, for an employee of the executive branch, for an entire day.

(10) (a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting within the government officer's official capacity; or

(ii) an individual appointed to or employed in a full-time position by state or local government, when acting within the scope of the individual's employment.

(b) "Government officer" does not mean a member of the legislative branch of state government.

(11) "Immediate family" means:

(a) a spouse;

(b) a child residing in the household; or

(c) an individual claimed as a dependent for tax purposes.

(12) "Legislative action" means:

(a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in either house of the Legislature or its committees or requested by a legislator; and

(b) the action of the governor in approving or vetoing legislation.

(13) "Lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(14) (a) "Lobbyist" means:

(i) an individual who is employed by a principal; or

(ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

(b) "Lobbyist" does not include:

(i) a government officer;

(ii) a member or employee of the legislative branch of state government;

(iii) a person, including a principal, while appearing at, or providing written comments to, a hearing conducted in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#) or [Title 63G, Chapter 4, Administrative Procedures Act](#);

(iv) a person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature or any agency or department of state government, except legislative standing, appropriation, or interim committees;

(v) a representative of a political party;

(vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;

(vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action;

(viii) an individual who appears on the individual's own behalf before a committee of the Legislature or an agency of the executive branch of state government solely for the purpose of testifying in support of or in opposition to legislative or executive action; or

(ix) an individual representing a business, entity, or industry, who:

(A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and

(B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.

(15) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and officers who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

(16) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.

(17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.

(18) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.

(19) "Public official" means:

(a) (i) a member of the Legislature;

(ii) an individual elected to a position in the executive branch of state government; or

(iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:

(A) occupies a policymaking position or makes purchasing or contracting decisions;

- (B) drafts legislation or makes rules;
- (C) determines rates or fees; or
- (D) makes adjudicative decisions; or
- (b) an immediate family member of a person described in Subsection (19)(a).
- (20) "Public official type" means a notation to identify whether a public official is:
 - (a) (i) a member of the Legislature;
 - (ii) an individual elected to a position in the executive branch of state government;
 - (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (19)(a)(iii); or
 - (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (19)(a)(iii); or
- (b) an immediate family member of a person described in Subsection (19)(a).
- (21) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).
- (22) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse of any of these individuals.
- (24) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not primarily for entertainment, including:
 - (a) viewing a facility;
 - (b) viewing the sight of a natural disaster; or
 - (c) assessing a circumstance in relation to which a public official may need to take action within the scope of the public official's duties.

36-11-103. Licensing requirements.

- (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the lieutenant governor by completing the form required by this section.
- (b) The lieutenant governor shall issue licenses to qualified lobbyists.
- (c) The lieutenant governor shall prepare a Lobbyist License Application Form that includes:
 - (i) a place for the lobbyist's name and business address;
 - (ii) a place for the following information for each principal for whom the lobbyist works or is hired as an independent contractor:
 - (A) the principal's name;
 - (B) the principal's business address;
 - (C) the name of each public official that the principal employs and the nature of the employment with the public official; and
 - (D) the general purposes, interests, and nature of the principal;
 - (iii) a place for the name and address of the person who paid or will pay the lobbyist's registration fee, if the fee is not paid by the lobbyist;
 - (iv) a place for the lobbyist to disclose:
 - (A) any elected or appointed position that the lobbyist holds in state or local government, if any;
- and
- (B) the name of each public official that the lobbyist employs and the nature of the employment with the public official, if any;

(v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will be reimbursed; and
(vi) a certification to be signed by the lobbyist that certifies that the information provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief.

(2) Each lobbyist who obtains a license under this section shall update the licensure information when the lobbyist accepts employment for lobbying by a new client.

(3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a lobbying license to an applicant who:

(i) files an application with the lieutenant governor that contains the information required by this section; and

(ii) pays a \$110 filing fee.

(b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 of each even-numbered year.

(4) (a) The lieutenant governor may disapprove an application for a lobbying license:

(i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

(ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304 within one year before the date of the lobbying license application;

(iii) for the term of any suspension imposed under Section 36-11-401;

(iv) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:

(A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or

(B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or

(v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.

(b) An applicant may appeal the disapproval in accordance with the procedures established by the lieutenant governor under this chapter and Title 63G, Chapter 4, Administrative Procedures Act.

(5) The lieutenant governor shall deposit each license fee into the General Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of administering the license program described in this section.

(6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

(7) Government officers need not obtain a license under this section, but shall disclose any expenditures made to benefit public officials as required by Section 36-11-201.

(8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

36-11-106. Reports are public documents.

(1) Any person may:

(a) without charge, inspect a license application or financial report filed with the lieutenant governor in accordance with this chapter; and

(b) make a copy of a report after paying for the actual costs of the copy.

(2) The lieutenant governor shall make financial reports filed in accordance with this chapter available for viewing on the Internet at the lieutenant governor's website within seven calendar days

after the report is received by the lieutenant governor.

36-11-201. Lobbyist, principal, and government officer financial reporting requirements -- Prohibition for related person to make expenditures.

(1) (a) (i) A lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).

(ii) If a lobbyist has not made an expenditure during the quarterly reporting period, the lobbyist shall file a financial report listing the amount of expenditures as "none."

(b) A government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.

(2) (a) A financial report is due quarterly on the following dates:

(i) April 10, for the period of January 1 through March 31;

(ii) July 10, for the period of April 1 through June 30;

(iii) October 10, for the period of July 1 through September 30; and

(iv) January 10, for the period of October 1 through December 31 of the previous year.

(b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report is due on the next succeeding business day.

(c) A financial report is timely filed if it is filed electronically before the close of regular office hours on or before the due date.

(3) A financial report shall contain:

(a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;

(b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;

(c) for the financial report due on January 10:

(i) the total amount of expenditures made to benefit any public official during the last calendar year; and

(ii) the total amount of expenditures made, by the type of public official, during the last calendar year;

(d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:

(i) each travel destination and each lodging location;

(ii) the name of each public official who benefitted from the expenditure on travel or lodging;

(iii) the public official type of each public official named;

(iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and

(v) the total amount of expenditures listed under Subsection (3)(d)(iv);

(e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:

(i) the date and purpose of the expenditure;

(ii) the location of the expenditure;

(iii) the name of any public official benefitted by the expenditure;

(iv) the type of the public official benefitted by the expenditure; and

(v) the total monetary worth of the benefit that the expenditure conferred on any public official;

(f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:

(i) the name of the public official; and

(ii) the nature of the employment with the public official;

(g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

(h) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

(i) the general purposes, interests, and nature of the entities that the lobbyist, principal, or government officer filing the report represents; and

(j) for a lobbyist, a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.

(4) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official under circumstances that would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.

(5) The lieutenant governor shall:

(a) (i) develop a preprinted form for a financial report required by this section; and

(ii) make copies of the form available to a lobbyist, principal, or government officer who requests a form; and

(b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a financial report required by this chapter via the Internet.

(6) (a) A lobbyist and a principal shall continue to file a financial report required by this section until the lobbyist or principal files a statement with the lieutenant governor that:

(i) states:

(A) for a lobbyist, that the lobbyist has ceased lobbying activities; or

(B) for a principal, that the principal no longer employs an individual as a lobbyist;

(ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;

(iii) contains a listing, as required by this section, of all previously unreported expenditures that have been made through the date of the statement; and

(iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.

(b) A person that fails to renew the lobbyist's license or otherwise ceases to be licensed is required to file a financial report quarterly until the person files the statement required by Subsection (6)(a).

36-11-301. Contingent compensation prohibited.

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action.

36-11-302. Improper influence -- Communication with a legislator's employer prohibited.

A person may not seek to influence the vote of any legislator through communication with the legislator's employer.

36-11-303. Prohibition on communicating false information to a public officer.

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.

36-11-304. Expenditures over \$10 prohibited -- Exceptions.

(1) Except as provided in Subsection (2), a lobbyist, principal, or government officer may not make or offer to make aggregate daily expenditures that exceed:

(a) for food or beverage, the food reimbursement rate; or

(b) \$10 for expenditures other than food or beverage.

(2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed the limits described in Subsection (1):

(a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:

(i) food;

(ii) beverage;

(iii) travel;

(iv) lodging; or

(v) admission to or attendance at a tour or meeting that is not an approved activity; or

(b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public official.

36-11-305. Campaign contribution during session prohibited.

(1) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution or contract, promise, or agree to make a campaign contribution to a legislator or a legislator's personal campaign committee, or a political action committee controlled by a legislator during the time the Legislature is convened in annual general session, veto override session, or special session.

(2) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to the governor, the governor's personal campaign committee, or a political action committee controlled by the governor during the time the Legislature is convened in annual general session, veto override session, special session, or during the time period established by the Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by the Legislature in the annual general session.

(3) Any person who violates this section is guilty of a class A misdemeanor.

36-11-306. Conflicts of interest.

(1) As used in this section, "conflict of interest" means a circumstance where:

(a) the representation of one principal or client will be directly adverse to another principal or client; or

(b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:

(i) another principal or client; or

(ii) a personal interest of the lobbyist.

(2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.

(3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a principal or client if:

(a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;

(b) the representation is not otherwise prohibited by law;

(c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and

(d) each affected principal or client gives informed consent to the conflict of interest in writing.

36-11-307. Ethics training course for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.

- (1) The lieutenant governor shall develop and maintain an ethics training course for lobbyists.
- (2) The ethics training course shall include training materials and exercises that are available on the Internet to lobbyists and to the public.
- (3) The ethics training course shall be designed to assist lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The ethics training course shall include provisions for verifying when a lobbyist has successfully completed key training exercises.
- (5) A lobbyist shall successfully complete the key training exercises of the ethics training course once each year.
- (6) A lobbyist who does not complete the training required by this section is subject to a penalty as provided in Section [36-11-401](#).

36-11-401. Penalties.

- (1) Any person who intentionally violates Section [36-11-103](#), [36-11-201](#), [36-11-301](#), [36-11-302](#), [36-11-303](#), [36-11-304](#), [36-11-305](#), or [36-11-403](#), is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; and
 - (b) for each subsequent violation of that same section within 24 months, either:
 - (i) an administrative penalty of up to \$5,000; or
 - (ii) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or financial report, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; or
 - (b) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (3) Any person who intentionally fails to file a financial report required by this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.
- (4) (a) When a lobbyist is convicted of violating Section [76-8-103](#), [76-8-107](#), [76-8-108](#), or [76-8-303](#), the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.
(b) When a lobbyist is convicted of violating Section [76-8-104](#) or [76-8-304](#), the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.
- (5) (a) Any person who intentionally violates Section [36-11-301](#), [36-11-302](#), or [36-11-303](#) is guilty of a class B misdemeanor.
(b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.
- (c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.
- (d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.
- (6) A lobbyist who does not complete the training required by Section [36-11-307](#) is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each failure to complete the training required by Section [36-11-307](#); and
 - (b) for two or more failures to complete the training required by Section [36-11-307](#) within 24 months, suspension of the lobbyist's lobbying license.
- (7) Nothing in this chapter creates a third-party cause of action or appeal rights.

36-11-403. Lobbying without a license.

- (1) No person may engage in any lobbying activities:
 - (a) without the license required by this chapter;
 - (b) during the period of any bar from obtaining a license; or
 - (c) when the license has been suspended or revoked.
- (2) The attorney general may seek injunctive relief against any person violating this section.

36-11-404. Lieutenant governor's procedures.

- (1) The lieutenant governor shall make rules that provide:
 - (a) for the appointment of an administrative law judge to adjudicate alleged violations of this section and to impose penalties under this section;
 - (b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions of this chapter.

36-11-405. Construction and interpretation -- Freedom of expression, participation, and press.

No provision of this chapter may be construed, interpreted, or enforced so as to limit, impair, abridge, or destroy any person's right of freedom of expression and participation in government processes or freedom of the press.

76-8-101. Definitions.

For the purposes of this chapter:

- (1) "Candidate for electoral office" means a person who has filed as a candidate for office under the laws of the state.
- (2) "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.
- (3) "Peace officer" means any employee of a police or law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
- (4) (a) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.
(b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.
- (5) (a) "Public servant" means any officer or employee of the state or any political subdivision of the state, including judges, legislators, consultants, and persons otherwise performing a governmental function.
(b) A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.

76-8-102. Campaign contributions not prohibited.

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

76-8-103. Bribery or offering a bribe.

(1) A person is guilty of bribery or offering a bribe if that person promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.

(2) It is not a defense to a prosecution under this statute that:

(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

(b) the person sought to be influenced did not act in the desired way; or

(c) the benefit is not conferred, solicited, or accepted until after:

(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or

(ii) the public servant ceases to be a public servant.

(3) Bribery or offering a bribe is:

(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is less than \$1,000; and

(b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or more.

76-8-104. Threats to influence official or political action.

(1) A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.

(2) As used in this section:

(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

(b) "Public servant" does not include jurors.

76-8-105. Receiving or soliciting bribe or bribery by public servant.

(1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.

(2) It is not a defense to a prosecution under this statute that:

(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

(b) the person sought to be influenced did not act in the desired way; or

(c) the benefit is not asked for, conferred, solicited, or accepted until after:

(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or

(ii) the public servant ceases to be a public servant.

(3) Receiving or soliciting a bribe is:

(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and

(b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000.

76-8-106. Receiving bribe or bribery for endorsement of person as public servant.

A person is guilty of a class B misdemeanor if:

(1) He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

(2) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (1).

76-8-107. Alteration of proposed legislative bill or resolution.

Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure its being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by such house, is guilty of a felony of the third degree.

76-8-108. Alteration of enrolled legislative bill or resolution.

Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the Legislature with intent to procure it to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes in language different from that in which it was passed or adopted by the Legislature, is guilty of a felony of the third degree.