

Lieutenant Governor's Office
Lobbyist Training Course
2013- Study Manual

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

Correctly answer all 25 questions in order 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?

- 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 tickets to an event to all legislators 3 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(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
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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

According to 36-11-304(1) 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 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 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(6)(a) and UCA 36-11-304(2)

True or False: A campaign 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 activity” to achieve compliance with 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 of a bill
- B. Seeking to influence the vote of a legislator through communication with the legislator's employer
- C. Intentionally communicating to a public official false information 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

III. Reporting

Choose the best possible answer: Which of the following expenditures are allowed over \$10 as long as they are reported?

- A. Food and beverage
- B. Travel and lodging
- C. Attendance at a meeting or activity (not approved)
- D. All of the above**

UCA 36-11-304(2)(a)

True or False: If a lobbyist does not make expenditures, he/she is not required to file quarterly disclosure reports.

- 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 36-11-103(3)

According to UCA 36-11-201(2)(c), a quarterly report is timely filed if it is filed electronically before:

- A. Midnight on the due date
- B. 10 p.m. on the due date
- C. close of regular business hours (5 p.m.) on the due date**
- D. 8 a.m. the day after the due date

UCA 36-11-201(2)(c)

When given by a lobbyist of a corporation to a public official, which of the following is not 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

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

True or False: Any person who willfully and knowingly violates licensing and/or reporting statutes may 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

UCA 36-11-307, R623-1-4

Statutes:

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 meeting or activity" means a meeting or activity:
 - (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) (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.

(4) "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.

(5) "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.

(6) (a) "Expenditure" means any of the items listed in this Subsection (6)(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 a sporting, recreational, or artistic event; or

(viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (6)(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 (6)(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; or

(C) (I) the item has a value of less than \$10; and

(II) the aggregate daily expenditures do not exceed \$10;

(vi) food or beverage that is provided at an event 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 (6)(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 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 presented in public and having a cash value not exceeding \$50;

(ix) admission to or attendance at an event, 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](#);

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

(xi) sponsorship of an official event or official entertainment of an approved meeting or activity;

(xii) notwithstanding Subsection (6)(a)(vii), admission to or attendance at an event:

(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

(xiii) travel to a widely attended event related to a governmental duty of a public official if that travel results in a financial savings to the state.

(7) (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.

(8) "Immediate family" means:

(a) a spouse;

(b) a child residing in the household; or

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

(9) "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.

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

(11) (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 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; or

(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.

(12) "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.

(13) "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.

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

(15) "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 (15)(a).

(16) "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 (15)(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 (15)(a)(iii); or

(b) an immediate family member of a person described in Subsection (15)(b).

(17) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection [36-11-201](#)(2)(a).

(18) "Related person" means a person, agent, or employee who knowingly and intentionally

assists a lobbyist, principal, or government officer in lobbying.

(19) "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.

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 \$100 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 license fees in the General Fund.

(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 \$10.

(2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed \$10:

(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 meeting or activity that is not an approved meeting or 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 willfully and knowingly 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 willfully and knowingly 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 willfully and knowingly 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 willfully and knowingly 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.