



# The Dos and Do-Nots of Campaign Financial Disclosures Candidates & Officeholders

-updated 3/20/2023-

## Expenditures

### Personal use expenditures are prohibited.

Utah Code [20A-11-104](#)

A "personal use expenditure" means an expenditure that "primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder."

A candidate or officeholder who has made a personal use expenditure is subject to an administrative penalty of half the amount of the personal use expenditure and repaying the campaign account the full amount of the personal use expenditure.

Below are examples of some expenditures reported in previous years which were determined to be personal use expenditures for which fines were paid:

- Shirts for session\*
- Tie\*
- Citizenship application fees
- Combo passes for Thanksgiving Point
- Mister Car Wash
- Gym dues for Capitol Fitness Center
- Cold medicine

\*Clothing expenditures are explicitly prohibited unless the clothing bears the candidate's name or campaign slogan or logo AND is used in the candidate's campaign, or if the expenditure is used to repair or replace clothing that was damaged while the candidate or officeholder was engaged in an activity of the candidate or officeholder.

### A detailed listing requires identifying expenditures as falling within a list of approved categories.

Utah Code 20A-11-101.3 and Utah Code [20A-11-101\(11\)\(b\)\(iii\)](#)

Reports must identify:

- Where the expenditure falls within one of the following categories:
  - advertising; association expense; campaign expense; constituent services; donations; loans; office; political support; return of a contribution; signature gathering; supplies; travel expenses; or other.
- **Optional:** The "actual person or entity to whom the disbursement is *ultimately* made... and may not merely list the transactional intermediary" such as a credit card company. This field is optional but encouraged.

If reporting the person or entity to whom the expenditure was disbursed, be sure you report the *ultimate* payee of an expenditure, and not a transactional intermediary, such as American Express. You didn't pay American Express for your campaign signs, you paid Office Warehouse, using American Express. Similarly, if you use your personal account to pay for something campaign related, and later reimburse your personal account with campaign funds, then you are only required to report where you *ultimately* expended the money. The same is true if you use a business account which you later reimburse.

If expenditures do not fall within one of the specified categories, the "other" category may be chosen, followed by a description of the expenditure.

### If you pay campaign staff, report the name of the staffer as the Name of Payee.

If you pay people to work on your campaign, list the name of each staffer in the Name of Payee field(s). This expenditure would fall under the "campaign expense" category. The ultimate payee should not be "Payroll," the ultimate payee is the person you pay.

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**DISCLAIMER:** This document is not a substitute for Utah State Code, and it is not intended to be comprehensive or an authoritative statement of law. For further legal information, please consult Utah State Code or other appropriate legal resources. Updated March 20, 2023.



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## Contributions

### **You must report each contribution within 31 days or 7 business days.**

Utah Code [20A-11-201](#), Utah Code [20A-11-301](#), and Utah Code [20A-11-1301](#)

Each contribution (including in-kind contributions) must normally be reported within 31 calendar days of receiving it. This window shortens for candidates who are contested during convention, the primary election, or the general election; during the 30 days prior to a convention, primary election, or general election, a contested candidate must report each contribution within *7 business days* of receiving it.

The received date of a contribution is the date you have the ability to use it, which means you receive:

- Cash – as soon as your campaign has it in hand.
- A check – the day it is deposited into your campaign account.
- Direct deposit – the earlier of when the campaign becomes aware or receives notice of the deposit OR 31 days after the direct deposit occurred.
- An in-kind contribution – when you benefit from it.

**Save** the contribution to the ledger to report it.

Statutorily the Lieutenant Governor's office shall impose a fine against a candidate if he or she reports a contribution after this 31 day or 7 business day time period.

### **You must give anonymous contributions that are greater than \$50 to a charity, a city, or the State.**

Utah Code [20A-11-201](#), Utah Code [20A-11-301](#), Utah Code [20A-11-401](#), and Utah Code [20A-11-1301](#)

If a candidate or officeholder receives a contribution (or public service assistance) which exceeds \$50 and is from an unknown source, the candidate or officeholder **shall** disburse the amount of the contribution (or public service assistance) within 31 days to:

- (a) the state or a political subdivision for deposit into the general fund; or
- (b) a 501(c)(3) organization.

Candidates and officeholders may not use funds that are greater than \$50 and from an unknown source. If you receive an anonymous contribution (or public service assistance) that is greater than \$50, you must give it to a charity, a city, or the State.

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