

CAMPAIGN CONTRIBUTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends campaign finance provisions related to anonymous cash contributions and aggregate reporting of cash contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits an anonymous cash contribution over \$99;
- ▶ requires a candidate to disburse an anonymous cash contribution or public service assistance over \$99 to:
 - the state or political subdivision for deposit into its general fund; or
 - an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- ▶ prohibits a filing entity, other than a candidate, from using an anonymous cash contribution for a political purpose or as a political issues expenditure;
- ▶ allows a filing entity to aggregate on a report contributions that do not exceed \$99;
- ▶ increases the amount at which certain filing entities must report the recipient of an expenditure; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

17-16-6.5, as last amended by Laws of Utah 2012, Chapter 230

20A-11-101, as last amended by Laws of Utah 2012, Chapter 230

33 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230
34 **20A-11-203**, as last amended by Laws of Utah 2011, Chapter 347
35 **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347
36 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230
37 **20A-11-302**, as last amended by Laws of Utah 2011, Chapter 347
38 **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347
39 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347
40 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396
41 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225
42 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389
43 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396
44 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396
45 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347
46 **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230
47 **20A-11-702**, as last amended by Laws of Utah 2010, Chapter 389
48 **20A-11-801**, as last amended by Laws of Utah 2008, Chapter 225
49 **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230
50 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389
51 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230
52 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347
53 **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347
54 **20A-11-1502**, as enacted by Laws of Utah 2010, Chapter 389
55 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
56 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396
57 **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389
58 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396

59

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

61 Section 1. Section **10-3-208** is amended to read:

62 **10-3-208. Campaign finance disclosure in municipal election.**

63 (1) As used in this section:

64 (a) "Reporting date" means:

65 (i) 10 days before a municipal general election, for a campaign finance statement
66 required to be filed no later than seven days before a municipal general election; and

67 (ii) the day of filing, for a campaign finance statement required to be filed no later than
68 30 days after a municipal primary or general election.

69 (b) "Reporting limit" means for each calendar year:

70 (i) [~~\$50~~] \$99; or

71 (ii) an amount lower than [~~\$50~~] \$99 that is specified in an ordinance of the
72 municipality.

73 (2) (a) (i) Each candidate for municipal office:

74 (A) shall deposit a campaign contribution in a separate campaign account in a financial
75 institution; and

76 (B) may not deposit or mingle any campaign contributions received into a personal or
77 business account.

78 (ii) Each candidate for municipal office who is not eliminated at a municipal primary
79 election shall file with the municipal clerk or recorder a campaign finance statement:

80 (A) no later than seven days before the date of the municipal general election; and

81 (B) no later than 30 days after the date of the municipal general election.

82 (iii) Each candidate for municipal office who is eliminated at a municipal primary
83 election shall file with the municipal clerk or recorder a campaign finance statement no later
84 than 30 days after the date of the municipal primary election.

85 (b) Each campaign finance statement under Subsection (2)(a) shall:

86 (i) except as provided in Subsection (2)(b)(ii):

87 (A) report all of the candidate's itemized and total:

88 (I) campaign contributions, including in-kind and other nonmonetary contributions,
89 received before the close of the reporting date; and

90 (II) campaign expenditures made through the close of the reporting date; and

91 (B) identify:

92 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
93 and the name of the donor, if known;

94 (II) the aggregate total of all contributions that individually do not exceed the reporting

95 limit; and

96 (III) for each campaign expenditure, the amount of the expenditure and the name of the
97 recipient of the expenditure; or

98 (ii) report the total amount of all campaign contributions and expenditures if the
99 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
100 candidate's campaign.

101 (c) A person who makes a cash contribution that exceeds the reporting limit shall
102 disclose the person's name to the candidate who receives the contribution.

103 (d) Within 30 days after receiving a cash contribution that exceeds the reporting limit
104 from a donor whose name is unknown, a candidate shall disburse the amount of the
105 contribution to:

106 (i) the treasurer of the state or a political subdivision for deposit into the state's or
107 political subdivision's general fund; or

108 (ii) an organization that is exempt from federal income taxation under Section
109 501(c)(3), Internal Revenue Code.

110 (3) (a) As used in this Subsection (3), "account" means an account in a financial
111 institution:

112 (i) that is not described in Subsection (2)(a)(i)(A); and

113 (ii) into which or from which a person who, as a candidate for an office, other than a
114 municipal office for which the person files a declaration of candidacy or federal office, or as a
115 holder of an office, other than a municipal office for which the person files a declaration of
116 candidacy or federal office, deposits a contribution or makes an expenditure.

117 (b) A municipal office candidate shall include on any campaign finance statement filed
118 in accordance with this section:

119 (i) a contribution deposited in an account:

120 (A) since the last campaign finance statement was filed; or

121 (B) that has not been reported under a statute or ordinance that governs the account; or

122 (ii) an expenditure made from an account:

123 (A) since the last campaign finance statement was filed; or

124 (B) that has not been reported under a statute or ordinance that governs the account.

125 (4) (a) A municipality may, by ordinance:

- 126 (i) provide a reporting limit lower than [~~\$50~~] \$99;
- 127 (ii) require greater disclosure of campaign contributions and expenditures than is
128 required in this section; and
- 129 (iii) impose additional penalties on candidates who fail to comply with the applicable
130 requirements beyond those imposed by this section.
- 131 (b) A candidate for municipal office is subject to the provisions of this section and not
132 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:
- 133 (i) the municipal ordinance establishes requirements or penalties that differ from those
134 established in this section; and
- 135 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
136 ordinance as required in Subsection (5).
- 137 (5) Each municipal clerk or recorder shall, at the time the candidate for municipal
138 office files a declaration of candidacy, and again 14 days before each municipal general
139 election, notify the candidate in writing of:
- 140 (a) the provisions of statute or municipal ordinance governing the disclosure of
141 campaign contributions and expenditures;
- 142 (b) the dates when the candidate's campaign finance statement is required to be filed;
143 and
- 144 (c) the penalties that apply for failure to file a timely campaign finance statement,
145 including the statutory provision that requires removal of the candidate's name from the ballot
146 for failure to file the required campaign finance statement when required.
- 147 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
148 Access and Management Act, the municipal clerk or recorder shall:
- 149 (a) make each campaign finance statement filed by a candidate available for public
150 inspection and copying no later than one business day after the statement is filed; and
- 151 (b) make the campaign finance statement filed by a candidate available for public
152 inspection by:
- 153 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
154 website no later than seven business days after the statement is filed; and
- 155 (B) verifying that the address of the municipality's website has been provided to the
156 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

157 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
158 website established by the lieutenant governor under Section 20A-11-103 no later than two
159 business days after the statement is filed.

160 (7) (a) If a candidate fails to file a campaign finance statement before the municipal
161 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or
162 recorder shall inform the appropriate election official who:

163 (i) shall:

164 (A) if practicable, remove the candidate's name from the ballot by blacking out the
165 candidate's name before the ballots are delivered to voters; or

166 (B) if removing the candidate's name from the ballot is not practicable, inform the
167 voters by any practicable method that the candidate has been disqualified and that votes cast for
168 the candidate will not be counted; and

169 (ii) may not count any votes for that candidate.

170 (b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance
171 statement seven days before a municipal general election is not disqualified if:

172 (i) the statement details accurately and completely the information required under
173 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

174 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
175 next scheduled report.

176 (8) A campaign finance statement required under this section is considered filed if it is
177 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

178 (9) (a) A private party in interest may bring a civil action in district court to enforce the
179 provisions of this section or an ordinance adopted under this section.

180 (b) In a civil action under Subsection (9)(a), the court may award costs and attorney
181 fees to the prevailing party.

182 Section 2. Section **17-16-6.5** is amended to read:

183 **17-16-6.5. Campaign financial disclosure in county elections.**

184 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
185 requirements for candidates for county office.

186 (b) The ordinance required by Subsection (1)(a) shall include:

187 (i) a requirement that each candidate for county office report the candidate's itemized

188 and total campaign contributions and expenditures at least once within the two weeks before
189 the election and at least once within two months after the election;

190 (ii) a definition of "contribution" and "expenditure" that requires reporting of
191 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

192 (iii) a requirement that the financial reports identify:

193 (A) for each contribution of more than [~~\$50~~] \$99, the name of the donor of the
194 contribution, if known, and the amount of the contribution; and

195 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

196 (iv) a requirement that a candidate for county office deposit a contribution in a separate
197 campaign account in a financial institution; [~~and~~]

198 (v) a prohibition against a candidate for county office depositing or mingling any
199 contributions received into a personal or business account[-];

200 (vi) a requirement that a person who makes a cash contribution that exceeds \$99
201 disclose the person's name to the candidate who receives the contribution; and

202 (vii) a requirement that a candidate for county office who receives a cash contribution
203 that exceeds \$99 from a donor whose name is unknown shall, within 30 days after receiving the
204 contribution, disburse the amount of the contribution to:

205 (A) the treasurer of the state or a political subdivision for deposit into the state's or
206 political subdivision's general fund; or

207 (B) an organization that is exempt from federal income taxation under Section
208 501(c)(3), Internal Revenue Code.

209 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
210 institution:

211 (A) that is not described in Subsection (1)(b)(iv); and

212 (B) into which or from which a person who, as a candidate for an office, other than a
213 county office for which the person files a declaration of candidacy or federal office, or as a
214 holder of an office, other than a county office for which the person files a declaration of
215 candidacy or federal office, deposits a contribution or makes an expenditure.

216 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
217 candidate for county office include on a financial report filed in accordance with the ordinance
218 a contribution deposited in or an expenditure made from an account:

- 219 (A) since the last financial report was filed; or
- 220 (B) that has not been reported under a statute or ordinance that governs the account.
- 221 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
- 222 Subsection (1), candidates for county office, other than community council office, shall comply
- 223 with the financial reporting requirements contained in Subsections (3) through ~~[(7)]~~ (8).
- 224 (3) A candidate for elective office in a county:
- 225 (a) shall deposit a contribution in a separate campaign account in a financial institution;
- 226 and
- 227 (b) may not deposit or mingle any contributions received into a personal or business
- 228 account.
- 229 (4) Each candidate for elective office in any county who is not required to submit a
- 230 campaign financial statement to the lieutenant governor shall file a signed campaign financial
- 231 statement with the county clerk:
- 232 (a) seven days before the date of the regular general election, reporting each
- 233 contribution of more than ~~[\$50]~~ \$99 and each expenditure as of 10 days before the date of the
- 234 regular general election; and
- 235 (b) no later than 30 days after the date of the regular general election.
- 236 (5) (a) The statement filed seven days before the regular general election shall include:
- 237 (i) a list of each contribution of more than ~~[\$50]~~ \$99 received by the candidate, and the
- 238 name of the donor, if known;
- 239 (ii) an aggregate total of all contributions of ~~[\$50]~~ \$99 or less received by the
- 240 candidate; and
- 241 (iii) a list of each expenditure for political purposes made during the campaign period,
- 242 and the recipient of each expenditure.
- 243 (b) The statement filed 30 days after the regular general election shall include:
- 244 (i) a list of each contribution of more than ~~[\$50]~~ \$99 received after the cutoff date for
- 245 the statement filed seven days before the election, and the name of the donor;
- 246 (ii) an aggregate total of all contributions of ~~[\$50]~~ \$99 or less received by the candidate
- 247 after the cutoff date for the statement filed seven days before the election; and
- 248 (iii) a list of all expenditures for political purposes made by the candidate after the
- 249 cutoff date for the statement filed seven days before the election, and the recipient of each

250 expenditure.

251 (6) (a) As used in this Subsection (6), "account" means an account in a financial
252 institution:

253 (i) that is not described in Subsection (3)(a); and

254 (ii) into which or from which a person who, as a candidate for an office, other than a
255 county office for which the person filed a declaration of candidacy or federal office, or as a
256 holder of an office, other than a county office for which the person filed a declaration of
257 candidacy or federal office, deposits a contribution or makes an expenditure.

258 (b) A county office candidate shall include on any campaign financial statement filed
259 in accordance with Subsection (4) or (5):

260 (i) a contribution deposited in an account:

261 (A) since the last campaign finance statement was filed; or

262 (B) that has not been reported under a statute or ordinance that governs the account; or

263 (ii) an expenditure made from an account:

264 (A) since the last campaign finance statement was filed; or

265 (B) that has not been reported under a statute or ordinance that governs the account.

266 (7) Within 30 days after receiving a cash contribution that exceeds \$99 from a donor
267 whose name is unknown, a county office candidate shall disburse the amount of the
268 contribution to:

269 (a) the treasurer of the state or a political subdivision for deposit into the state's or
270 political subdivision's general fund; or

271 (b) an organization that is exempt from federal income taxation under Section
272 501(c)(3), Internal Revenue Code.

273 ~~[(7)]~~ (8) Candidates for elective office in any county who are eliminated at a primary
274 election shall file a signed campaign financial statement containing the information required by
275 this section not later than 30 days after the primary election.

276 ~~[(8)]~~ (9) Any person who fails to comply with this section is guilty of an infraction.

277 ~~[(9)]~~ (10) Counties may, by ordinance, enact requirements that:

278 (a) require greater disclosure of campaign contributions and expenditures; and

279 (b) impose additional penalties.

280 ~~[(10)]~~ (11) (a) If a candidate fails to file an interim report due before the election, the

281 county clerk shall, after making a reasonable attempt to discover if the report was timely
282 mailed, inform the appropriate election officials who:

283 (i) (A) shall, if practicable, remove the name of the candidate by blacking out the
284 candidate's name before the ballots are delivered to voters; or

285 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
286 the voters by any practicable method that the candidate has been disqualified and that votes
287 cast for the candidate will not be counted; and

288 (ii) may not count any votes for that candidate.

289 (b) Notwithstanding Subsection [~~(10)~~] (11)(a), a candidate is not disqualified if:

290 (i) the candidate files the reports required by this section;

291 (ii) those reports are completed, detailing accurately and completely the information
292 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
293 and

294 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
295 the next scheduled report.

296 (c) A report is considered filed if:

297 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is
298 due;

299 (ii) it is received in the county clerk's office with a United States Postal Service
300 postmark three days or more before the date that the report was due; or

301 (iii) the candidate has proof that the report was mailed, with appropriate postage and
302 addressing, three days before the report was due.

303 [~~(11)~~] (12) (a) Any private party in interest may bring a civil action in district court to
304 enforce the provisions of this section or any ordinance adopted under this section.

305 (b) In a civil action filed under Subsection [~~(11)~~] (12)(a), the court shall award costs
306 and attorney's fees to the prevailing party.

307 [~~(12)~~] (13) Notwithstanding any provision of Title 63G, Chapter 2, Government
308 Records Access and Management Act, the county clerk shall:

309 (a) make each campaign finance statement filed by a candidate available for public
310 inspection and copying no later than one business day after the statement is filed; and

311 (b) make the campaign finance statement filed by a candidate available for public

312 inspection by:

313 (i) (A) posting an electronic copy or the contents of the statement on the county's
314 website no later than seven business days after the statement is filed; and

315 (B) verifying that the address of the county's website has been provided to the
316 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

317 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
318 website established by the lieutenant governor under Section 20A-11-103 no later than two
319 business days after the statement is filed.

320 Section 3. Section **20A-11-101** is amended to read:

321 **20A-11-101. Definitions.**

322 As used in this chapter:

323 (1) "Address" means the number and street where an individual resides or where a
324 reporting entity has its principal office.

325 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
326 amendments, and any other ballot propositions submitted to the voters that are authorized by
327 the Utah Code Annotated 1953.

328 (3) "Candidate" means any person who:

329 (a) files a declaration of candidacy for a public office; or

330 (b) receives contributions, makes expenditures, or gives consent for any other person to
331 receive contributions or make expenditures to bring about the person's nomination or election
332 to a public office.

333 (4) "Chief election officer" means:

334 (a) the lieutenant governor for state office candidates, legislative office candidates,
335 officeholders, political parties, political action committees, corporations, political issues
336 committees, state school board candidates, judges, and labor organizations, as defined in
337 Section 20A-11-1501; and

338 (b) the county clerk for local school board candidates.

339 (5) (a) "Contribution" means any of the following when done for political purposes:

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

342 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

343 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
344 anything of value to the filing entity;

345 (iii) any transfer of funds from another reporting entity to the filing entity;

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

348 (v) remuneration from:

349 (A) any organization or its directly affiliated organization that has a registered lobbyist;

350 or

351 (B) any agency or subdivision of the state, including school districts; and

352 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
353 market value.

354 (b) "Contribution" does not include:

355 (i) services provided without compensation by individuals volunteering a portion or all
356 of their time on behalf of the filing entity;

357 (ii) money lent to the filing entity by a financial institution in the ordinary course of
358 business; or

359 (iii) goods or services provided for the benefit of a candidate or political party at less
360 than fair market value that are not authorized by or coordinated with the candidate or political
361 party.

362 (6) "Coordinated with" means that goods or services provided for the benefit of a
363 candidate or political party are provided:

364 (a) with the candidate's or political party's prior knowledge, if the candidate or political
365 party does not object;

366 (b) by agreement with the candidate or political party;

367 (c) in coordination with the candidate or political party; or

368 (d) using official logos, slogans, and similar elements belonging to a candidate or
369 political party.

370 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
371 organization that is registered as a corporation or is authorized to do business in a state and
372 makes any expenditure from corporate funds for:

373 (i) the purpose of expressly advocating for political purposes; or

- 374 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
375 proposition.
- 376 (b) "Corporation" does not mean:
- 377 (i) a business organization's political action committee or political issues committee; or
378 (ii) a business entity organized as a partnership or a sole proprietorship.
- 379 (8) "County political party" means, for each registered political party, all of the persons
380 within a single county who, under definitions established by the political party, are members of
381 the registered political party.
- 382 (9) "County political party officer" means a person whose name is required to be
383 submitted by a county political party to the lieutenant governor in accordance with Section
384 20A-8-402.
- 385 (10) "Detailed listing" means:
- 386 (a) for each contribution or public service assistance:
- 387 (i) the name and address of the individual or source making the contribution or public
388 service assistance, unless the name or address of the individual or source is unknown;
- 389 (ii) the amount or value of the contribution or public service assistance; and
390 (iii) the date the contribution or public service assistance was made; and
- 391 (b) for each expenditure:
- 392 (i) the amount of the expenditure;
393 (ii) the person or entity to whom it was disbursed;
394 (iii) the specific purpose, item, or service acquired by the expenditure; and
395 (iv) the date the expenditure was made.
- 396 (11) "Election" means each:
- 397 (a) regular general election;
398 (b) regular primary election; and
399 (c) special election at which candidates are eliminated and selected.
- 400 (12) "Electioneering communication" means a communication that:
- 401 (a) has at least a value of \$10,000;
402 (b) clearly identifies a candidate or judge; and
403 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
404 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly

405 identified candidate's or judge's election date.

406 (13) (a) "Expenditure" means:

407 (i) any disbursement from contributions, receipts, or from the separate bank account
408 required by this chapter;

409 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
410 or anything of value made for political purposes;

411 (iii) an express, legally enforceable contract, promise, or agreement to make any
412 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
413 value for political purposes;

414 (iv) compensation paid by a filing entity for personal services rendered by a person
415 without charge to a reporting entity;

416 (v) a transfer of funds between the filing entity and a candidate's personal campaign
417 committee; or

418 (vi) goods or services provided by the filing entity to or for the benefit of another
419 reporting entity for political purposes at less than fair market value.

420 (b) "Expenditure" does not include:

421 (i) services provided without compensation by individuals volunteering a portion or all
422 of their time on behalf of a reporting entity;

423 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
424 business; or

425 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to
426 candidates for office or officeholders in states other than Utah.

427 (14) "Federal office" means the office of President of the United States, United States
428 Senator, or United States Representative.

429 (15) "Filing entity" means the reporting entity that is required to file a financial
430 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

431 (16) "Financial statement" includes any summary report, interim report, verified
432 financial statement, or other statement disclosing contributions, expenditures, receipts,
433 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
434 Retention Elections.

435 (17) "Governing board" means the individual or group of individuals that determine the

436 candidates and committees that will receive expenditures from a political action committee,
437 political party, or corporation.

438 (18) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
439 Incorporation, by which a geographical area becomes legally recognized as a city or town.

440 (19) "Incorporation election" means the election authorized by Section 10-2-111.

441 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.

442 (21) "Individual" means a natural person.

443 (22) "Interim report" means a report identifying the contributions received and
444 expenditures made since the last report.

445 (23) "Legislative office" means the office of state senator, state representative, speaker
446 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
447 whip of any party caucus in either house of the Legislature.

448 (24) "Legislative office candidate" means a person who:

449 (a) files a declaration of candidacy for the office of state senator or state representative;

450 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
451 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
452 assistant whip of any party caucus in either house of the Legislature; or

453 (c) receives contributions, makes expenditures, or gives consent for any other person to
454 receive contributions or make expenditures to bring about the person's nomination or election
455 to a legislative office.

456 (25) "Officeholder" means a person who holds a public office.

457 (26) "Party committee" means any committee organized by or authorized by the
458 governing board of a registered political party.

459 (27) "Person" means both natural and legal persons, including individuals, business
460 organizations, personal campaign committees, party committees, political action committees,
461 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

462 (28) "Personal campaign committee" means the committee appointed by a candidate to
463 act for the candidate as provided in this chapter.

464 (29) "Personal use expenditure" has the same meaning as provided under Section
465 20A-11-104.

466 (30) (a) "Political action committee" means an entity, or any group of individuals or

467 entities within or outside this state, a major purpose of which is to:

468 (i) solicit or receive contributions from any other person, group, or entity for political
469 purposes; or

470 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
471 vote for or against any candidate or person seeking election to a municipal or county office.

472 (b) "Political action committee" includes groups affiliated with a registered political
473 party but not authorized or organized by the governing board of the registered political party
474 that receive contributions or makes expenditures for political purposes.

475 (c) "Political action committee" does not mean:

476 (i) a party committee;

477 (ii) any entity that provides goods or services to a candidate or committee in the regular
478 course of its business at the same price that would be provided to the general public;

479 (iii) an individual;

480 (iv) individuals who are related and who make contributions from a joint checking
481 account;

482 (v) a corporation, except a corporation a major purpose of which is to act as a political
483 action committee; or

484 (vi) a personal campaign committee.

485 (31) "Political convention" means a county or state political convention held by a
486 registered political party to select candidates.

487 (32) (a) "Political issues committee" means an entity, or any group of individuals or
488 entities within or outside this state, a major purpose of which is to:

489 (i) solicit or receive donations from any other person, group, or entity to assist in
490 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
491 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

492 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
493 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
494 proposed ballot proposition or an incorporation in an incorporation election; or

495 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
496 ballot or to assist in keeping a ballot proposition off the ballot.

497 (b) "Political issues committee" does not mean:

- 498 (i) a registered political party or a party committee;
- 499 (ii) any entity that provides goods or services to an individual or committee in the
500 regular course of its business at the same price that would be provided to the general public;
- 501 (iii) an individual;
- 502 (iv) individuals who are related and who make contributions from a joint checking
503 account; or
- 504 (v) a corporation, except a corporation a major purpose of which is to act as a political
505 issues committee.
- 506 (33) (a) "Political issues contribution" means any of the following:
- 507 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
508 anything of value given to a political issues committee;
- 509 (ii) an express, legally enforceable contract, promise, or agreement to make a political
510 issues donation to influence the approval or defeat of any ballot proposition;
- 511 (iii) any transfer of funds received by a political issues committee from a reporting
512 entity;
- 513 (iv) compensation paid by another reporting entity for personal services rendered
514 without charge to a political issues committee; and
- 515 (v) goods or services provided to or for the benefit of a political issues committee at
516 less than fair market value.
- 517 (b) "Political issues contribution" does not include:
- 518 (i) services provided without compensation by individuals volunteering a portion or all
519 of their time on behalf of a political issues committee; or
- 520 (ii) money lent to a political issues committee by a financial institution in the ordinary
521 course of business.
- 522 (34) (a) "Political issues expenditure" means any of the following:
- 523 (i) any payment from political issues contributions made for the purpose of influencing
524 the approval or the defeat of:
- 525 (A) a ballot proposition; or
- 526 (B) an incorporation petition or incorporation election;
- 527 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
528 the express purpose of influencing the approval or the defeat of:

- 529 (A) a ballot proposition; or
- 530 (B) an incorporation petition or incorporation election;
- 531 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 532 political issues expenditure;
- 533 (iv) compensation paid by a reporting entity for personal services rendered by a person
- 534 without charge to a political issues committee; or
- 535 (v) goods or services provided to or for the benefit of another reporting entity at less
- 536 than fair market value.
- 537 (b) "Political issues expenditure" does not include:
- 538 (i) services provided without compensation by individuals volunteering a portion or all
- 539 of their time on behalf of a political issues committee; or
- 540 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 541 course of business.
- 542 (35) "Political purposes" means an act done with the intent or in a way to influence or
- 543 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 544 against any candidate or a person seeking a municipal or county office at any caucus, political
- 545 convention, or election.
- 546 (36) "Primary election" means any regular primary election held under the election
- 547 laws.
- 548 (37) "Public office" means the office of governor, lieutenant governor, state auditor,
- 549 state treasurer, attorney general, state or local school board member, state senator, state
- 550 representative, speaker of the House of Representatives, president of the Senate, and the leader,
- 551 whip, and assistant whip of any party caucus in either house of the Legislature.
- 552 (38) (a) "Public service assistance" means the following when given or provided to an
- 553 officeholder to defray the costs of functioning in a public office or aid the officeholder to
- 554 communicate with the officeholder's constituents:
- 555 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 556 money or anything of value to an officeholder; or
- 557 (ii) goods or services provided at less than fair market value to or for the benefit of the
- 558 officeholder.
- 559 (b) "Public service assistance" does not include:

- 560 (i) anything provided by the state;
- 561 (ii) services provided without compensation by individuals volunteering a portion or all
562 of their time on behalf of an officeholder;
- 563 (iii) money lent to an officeholder by a financial institution in the ordinary course of
564 business;
- 565 (iv) news coverage or any publication by the news media; or
- 566 (v) any article, story, or other coverage as part of any regular publication of any
567 organization unless substantially all the publication is devoted to information about the
568 officeholder.
- 569 (39) "Publicly identified class of individuals" means a group of 50 or more individuals
570 sharing a common occupation, interest, or association that contribute to a political action
571 committee or political issues committee and whose names can be obtained by contacting the
572 political action committee or political issues committee upon whose financial statement the
573 individuals are listed.
- 574 (40) "Receipts" means contributions and public service assistance.
- 575 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
576 Lobbyist Disclosure and Regulation Act.
- 577 (42) "Registered political action committee" means any political action committee that
578 is required by this chapter to file a statement of organization with the lieutenant governor's
579 office.
- 580 (43) "Registered political issues committee" means any political issues committee that
581 is required by this chapter to file a statement of organization with the lieutenant governor's
582 office.
- 583 (44) "Registered political party" means an organization of voters that:
- 584 (a) participated in the last regular general election and polled a total vote equal to 2%
585 or more of the total votes cast for all candidates for the United States House of Representatives
586 for any of its candidates for any office; or
- 587 (b) has complied with the petition and organizing procedures of Chapter 8, Political
588 Party Formation and Procedures.
- 589 (45) (a) "Remuneration" means a payment:
- 590 (i) made to a legislator for the period the Legislature is in session; and

591 (ii) that is approximately equivalent to an amount a legislator would have earned
592 during the period the Legislature is in session in the legislator's ordinary course of business.

593 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

594 (i) the legislator's primary employer in the ordinary course of business; or

595 (ii) a person or entity in the ordinary course of business:

596 (A) because of the legislator's ownership interest in the entity; or

597 (B) for services rendered by the legislator on behalf of the person or entity.

598 (46) "Reporting entity" means a candidate, a candidate's personal campaign committee,
599 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
600 action committee, a political issues committee, a corporation, or a labor organization, as
601 defined in Section 20A-11-1501.

602 (47) "School board office" means the office of state school board or local school board.

603 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or
604 intangible asset that comprises the contribution.

605 (b) "Source" means, for political action committees and corporations, the political
606 action committee and the corporation as entities, not the contributors to the political action
607 committee or the owners or shareholders of the corporation.

608 (49) "State office" means the offices of governor, lieutenant governor, attorney general,
609 state auditor, and state treasurer.

610 (50) "State office candidate" means a person who:

611 (a) files a declaration of candidacy for a state office; or

612 (b) receives contributions, makes expenditures, or gives consent for any other person to
613 receive contributions or make expenditures to bring about the person's nomination or election
614 to a state office.

615 (51) "Summary report" means the year end report containing the summary of a
616 reporting entity's contributions and expenditures.

617 (52) "Supervisory board" means the individual or group of individuals that allocate
618 expenditures from a political issues committee.

619 Section 4. Section **20A-11-201** is amended to read:

620 **20A-11-201. State office candidate -- Separate bank account for campaign funds**

621 **-- No personal use -- Report contributions within 30 days -- Report other accounts --**

622 **Anonymous contributions.**

623 (1) (a) Each state office candidate or the candidate's personal campaign committee
624 shall deposit each contribution and public service assistance received in one or more separate
625 campaign accounts in a financial institution.

626 (b) A state office candidate or a candidate's personal campaign committee may not use
627 money deposited in a campaign account for:

628 (i) a personal use expenditure; or

629 (ii) an expenditure prohibited by law.

630 (2) A state office candidate or the candidate's personal campaign committee may not
631 deposit or mingle any contributions received into a personal or business account.

632 (3) If a person who is no longer a state office candidate chooses not to expend the
633 money remaining in a campaign account, the person shall continue to file the year-end
634 summary report required by Section 20A-11-203 until the statement of dissolution and final
635 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

636 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
637 is no longer a state office candidate may not expend or transfer the money in a campaign
638 account in a manner that would cause the former state office candidate to recognize the money
639 as taxable income under federal tax law.

640 (b) A person who is no longer a state office candidate may transfer the money in a
641 campaign account in a manner that would cause the former state office candidate to recognize
642 the money as taxable income under federal tax law if the transfer is made to a campaign
643 account for federal office.

644 (5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

645 (i) for a cash contribution, that the cash is given to a state office candidate or a member
646 of the candidate's personal campaign committee;

647 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
648 instrument or check is negotiated; and

649 (iii) for any other type of contribution, that any portion of the contribution's benefit
650 inures to the state office candidate.

651 (b) Each state office candidate shall report each contribution and public service
652 assistance to the lieutenant governor within 30 days after the contribution or public service

653 assistance is received.

654 (6) (a) As used in this Subsection (6), "account" means an account in a financial
655 institution:

656 (i) that is not described in Subsection (1)(a); and

657 (ii) into which or from which a person who, as a candidate for an office, other than the
658 state office for which the person files a declaration of candidacy or federal office, or as a holder
659 of an office, other than a state office for which the person files a declaration of candidacy or
660 federal office, deposits a contribution or makes an expenditure.

661 (b) A state office candidate shall include on any financial statement filed in accordance
662 with this part:

663 (i) a contribution deposited in an account:

664 (A) since the last campaign finance statement was filed; or

665 (B) that has not been reported under a statute or ordinance that governs the account; or

666 (ii) an expenditure made from an account:

667 (A) since the last campaign finance statement was filed; or

668 (B) that has not been reported under a statute or ordinance that governs the account.

669 (7) Within 30 days after receiving a cash contribution that exceeds \$99 from an
670 unknown source, a state office candidate shall disburse the amount of the contribution to:

671 (a) the treasurer of the state or a political subdivision for deposit into the state's or
672 political subdivision's general fund; or

673 (b) an organization that is exempt from federal income taxation under Section
674 501(c)(3), Internal Revenue Code.

675 Section 5. Section **20A-11-203** is amended to read:

676 **20A-11-203. State office candidate -- Financial reporting requirements --**

677 **Year-end summary report.**

678 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
679 after the regular general election year.

680 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
681 that has not filed the statement of dissolution and final summary report required under Section
682 20A-11-205 shall continue to file a summary report on January 10 of each year.

683 (2) (a) Each summary report shall include the following information as of December 31

684 of the previous year:

685 (i) the net balance of the last financial statement, if any;

686 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
687 if any;

688 (iii) a single figure equal to the total amount of expenditures reported on all interim
689 reports, if any, filed during the previous year;

690 (iv) a detailed listing of each contribution and public service assistance received since
691 the last summary report that has not been reported in detail on an interim report;

692 (v) for each nonmonetary contribution:

693 (A) the fair market value of the contribution with that information provided by the
694 contributor; and

695 (B) a specific description of the contribution;

696 (vi) a detailed listing of each expenditure made since the last summary report that has
697 not been reported in detail on an interim report;

698 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

699 (viii) a net balance for the year consisting of the net balance from the last summary
700 report, if any, plus all receipts minus all expenditures; and

701 (ix) the name of a political action committee for which the state office candidate is
702 designated as an officer who has primary decision-making authority under Section
703 20A-11-601.

704 (b) (i) For all single contributions or public service assistance of [~~\$50~~] \$99 or less, a
705 single aggregate figure may be reported without separate detailed listings.

706 (ii) Two or more contributions from the same source that have an aggregate total of
707 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

708 (c) In preparing the report, all receipts and expenditures shall be reported as of
709 December 31 of the previous year.

710 (d) A check or negotiable instrument received by a state office candidate or a state
711 office candidate's personal campaign committee on or before December 31 of the previous year
712 shall be included in the summary report.

713 (3) An authorized member of the state office candidate's personal campaign committee
714 or the state office candidate shall certify in the summary report that, to the best of the person's

715 knowledge, all receipts and all expenditures have been reported as of December 31 of the
716 previous year and that there are no bills or obligations outstanding and unpaid except as set
717 forth in that report.

718 Section 6. Section **20A-11-204** is amended to read:

719 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
720 **reports.**

721 (1) Each state office candidate shall file an interim report at the following times in any
722 year in which the candidate has filed a declaration of candidacy for a public office:

723 (a) seven days before the candidate's political convention;

724 (b) seven days before the regular primary election date;

725 (c) August 31; and

726 (d) seven days before the regular general election date.

727 (2) Each interim report shall include the following information:

728 (a) the net balance of the last summary report, if any;

729 (b) a single figure equal to the total amount of receipts reported on all prior interim
730 reports, if any, during the calendar year in which the interim report is due;

731 (c) a single figure equal to the total amount of expenditures reported on all prior
732 interim reports, if any, filed during the calendar year in which the interim report is due;

733 (d) a detailed listing of each contribution and public service assistance received since
734 the last summary report that has not been reported in detail on a prior interim report;

735 (e) for each nonmonetary contribution:

736 (i) the fair market value of the contribution with that information provided by the
737 contributor; and

738 (ii) a specific description of the contribution;

739 (f) a detailed listing of each expenditure made since the last summary report that has
740 not been reported in detail on a prior interim report;

741 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

742 (h) a net balance for the year consisting of the net balance from the last summary

743 report, if any, plus all receipts since the last summary report minus all expenditures since the
744 last summary report;

745 (i) a summary page in the form required by the lieutenant governor that identifies:

- 746 (i) beginning balance;
- 747 (ii) total contributions during the period since the last statement;
- 748 (iii) total contributions to date;
- 749 (iv) total expenditures during the period since the last statement; and
- 750 (v) total expenditures to date; and
- 751 (j) the name of a political action committee for which the state office candidate is
- 752 designated as an officer who has primary decision-making authority under Section
- 753 20A-11-601.

754 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,

755 a single aggregate figure may be reported without separate detailed listings.

756 (b) Two or more contributions from the same source that have an aggregate total of

757 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

758 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported

759 as of five days before the required filing date of the report.

760 (b) Any negotiable instrument or check received by a state office candidate more than

761 five days before the required filing date of a report required by this section shall be included in

762 the interim report.

763 Section 7. Section **20A-11-301** is amended to read:

764 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

765 **Candidate as a political action committee officer -- No personal use -- Report**

766 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

767 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public

768 service assistance received in one or more separate accounts in a financial institution that are

769 dedicated only to that purpose.

770 (ii) A legislative office candidate may:

771 (A) receive a contribution or public service assistance from a political action

772 committee registered under Section 20A-11-601; and

773 (B) be designated by a political action committee as an officer who has primary

774 decision-making authority as described in Section 20A-11-601.

775 (b) A legislative office candidate or the candidate's personal campaign committee may

776 not use money deposited in an account described in Subsection (1)(a)(i) for:

- 777 (i) a personal use expenditure; or
778 (ii) an expenditure prohibited by law.
- 779 (2) A legislative office candidate may not deposit or mingle any contributions or public
780 service assistance received into a personal or business account.
- 781 (3) If a person who is no longer a legislative candidate chooses not to expend the
782 money remaining in a campaign account, the person shall continue to file the year-end
783 summary report required by Section 20A-11-302 until the statement of dissolution and final
784 summary report required by Section 20A-11-304 are filed with the lieutenant governor.
- 785 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
786 is no longer a legislative office candidate may not expend or transfer the money in a campaign
787 account in a manner that would cause the former legislative office candidate to recognize the
788 money as taxable income under federal tax law.
- 789 (b) A person who is no longer a legislative office candidate may transfer the money in
790 a campaign account in a manner that would cause the former legislative office candidate to
791 recognize the money as taxable income under federal tax law if the transfer is made to a
792 campaign account for federal office.
- 793 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:
- 794 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
795 member of the candidate's personal campaign committee;
- 796 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
797 instrument or check is negotiated; and
- 798 (iii) for any other type of contribution, that any portion of the contribution's benefit
799 inures to the legislative office candidate.
- 800 (b) Each legislative office candidate shall report each contribution and public service
801 assistance to the lieutenant governor within 30 days after the contribution or public service
802 assistance is received.
- 803 (6) Within 30 days after receiving a cash contribution that exceeds \$99 from an
804 unknown source, a legislative office candidate shall disburse the amount of the contribution to:
- 805 (a) the treasurer of the state or a political subdivision for deposit into the state's or
806 political subdivision's general fund; or
- 807 (b) an organization that is exempt from federal income taxation under Section

808 501(c)(3), Internal Revenue Code.

809 ~~[(6)] (7)~~ (a) As used in this Subsection ~~[(6)] (7)~~, "account" means an account in a
810 financial institution:

811 (i) that is not described in Subsection (1)(a)(i); and

812 (ii) into which or from which a person who, as a candidate for an office, other than a
813 legislative office for which the person files a declaration of candidacy or federal office, or as a
814 holder of an office, other than a legislative office for which the person files a declaration of
815 candidacy or federal office, deposits a contribution or makes an expenditure.

816 (b) A legislative office candidate shall include on any financial statement filed in
817 accordance with this part:

818 (i) a contribution deposited in an account:

819 (A) since the last campaign finance statement was filed; or

820 (B) that has not been reported under a statute or ordinance that governs the account; or

821 (ii) an expenditure made from an account:

822 (A) since the last campaign finance statement was filed; or

823 (B) that has not been reported under a statute or ordinance that governs the account.

824 Section 8. Section **20A-11-302** is amended to read:

825 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
826 **Year-end summary report.**

827 (1) (a) Each legislative office candidate shall file a summary report by January 10 of
828 the year after the regular general election year.

829 (b) In addition to the requirements of Subsection (1)(a), a former legislative office
830 candidate that has not filed the statement of dissolution and final summary report required
831 under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.

832 (2) (a) Each summary report shall include the following information as of December 31
833 of the previous year:

834 (i) the net balance of the last financial statement, if any;

835 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
836 if any, during the calendar year in which the summary report is due;

837 (iii) a single figure equal to the total amount of expenditures reported on all interim
838 reports, if any, filed during the previous year;

839 (iv) a detailed listing of each receipt, contribution, and public service assistance since
840 the last summary report that has not been reported in detail on an interim report;

841 (v) for each nonmonetary contribution:

842 (A) the fair market value of the contribution with that information provided by the
843 contributor; and

844 (B) a specific description of the contribution;

845 (vi) a detailed listing of each expenditure made since the last summary report that has
846 not been reported in detail on an interim report;

847 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

848 (viii) a net balance for the year consisting of the net balance from the last summary
849 report, if any, plus all receipts minus all expenditures; and

850 (ix) the name of a political action committee for which the legislative office candidate
851 is designated as an officer who has primary decision-making authority under Section
852 20A-11-601.

853 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,
854 a single aggregate figure may be reported without separate detailed listings.

855 (ii) Two or more contributions from the same source that have an aggregate total of
856 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

857 (c) In preparing the report, all receipts and expenditures shall be reported as of
858 December 31 of the previous year.

859 (d) A check or negotiable instrument received by a legislative office candidate on or
860 before December 31 of the previous year shall be included in the summary report.

861 (3) The legislative office candidate shall certify in the summary report that to the best
862 of the candidate's knowledge, all receipts and all expenditures have been reported as of
863 December 31 of the previous year and that there are no bills or obligations outstanding and
864 unpaid except as set forth in that report.

865 Section 9. Section **20A-11-303** is amended to read:

866 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
867 **Interim reports.**

868 (1) Each legislative office candidate shall file an interim report at the following times
869 in any year in which the candidate has filed a declaration of candidacy for a public office:

- 870 (a) seven days before the candidate's political convention;
- 871 (b) seven days before the regular primary election date;
- 872 (c) August 31; and
- 873 (d) seven days before the regular general election date.
- 874 (2) Each interim report shall include the following information:
- 875 (a) the net balance of the last summary report, if any;
- 876 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 877 reports, if any, during the calendar year in which the interim report is due;
- 878 (c) a single figure equal to the total amount of expenditures reported on all prior
- 879 interim reports, if any, filed during the calendar year in which the interim report is due;
- 880 (d) a detailed listing of each contribution and public service assistance received since
- 881 the last summary report that has not been reported in detail on a prior interim report;
- 882 (e) for each nonmonetary contribution:
- 883 (i) the fair market value of the contribution with that information provided by the
- 884 contributor; and
- 885 (ii) a specific description of the contribution;
- 886 (f) a detailed listing of each expenditure made since the last summary report that has
- 887 not been reported in detail on a prior interim report;
- 888 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 889 (h) a net balance for the year consisting of the net balance from the last summary
- 890 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 891 last summary report;
- 892 (i) a summary page in the form required by the lieutenant governor that identifies:
- 893 (i) beginning balance;
- 894 (ii) total contributions during the period since the last statement;
- 895 (iii) total contributions to date;
- 896 (iv) total expenditures during the period since the last statement; and
- 897 (v) total expenditures to date; and
- 898 (j) the name of a political action committee for which the legislative office candidate is
- 899 designated as an officer who has primary decision-making authority under Section
- 900 20A-11-601.

901 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,
902 a single aggregate figure may be reported without separate detailed listings.

903 (b) Two or more contributions from the same source that have an aggregate total of
904 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

905 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
906 as of five days before the required filing date of the report.

907 (b) Any negotiable instrument or check received by a legislative office candidate more
908 than five days before the required filing date of a report required by this section shall be
909 included in the interim report.

910 Section 10. Section **20A-11-401** is amended to read:

911 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
912 **report -- Officeholder as a political action committee officer -- Anonymous public service**
913 **assistance.**

914 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

915 (b) An officeholder that is required to file a summary report both as an officeholder and
916 as a candidate for office under the requirements of this chapter may file a single summary
917 report as a candidate and an officeholder, provided that the combined report meets the
918 requirements of:

919 (i) this section; and

920 (ii) the section that provides the requirements for the summary report filed by the
921 officeholder in the officeholder's capacity of a candidate for office.

922 (2) (a) Each summary report shall include the following information as of December 31
923 of the previous year:

924 (i) the net balance of the last summary report, if any;

925 (ii) a single figure equal to the total amount of receipts received since the last summary
926 report, if any;

927 (iii) a single figure equal to the total amount of expenditures made since the last
928 summary report, if any;

929 (iv) a detailed listing of each contribution and public service assistance received since
930 the last summary report;

931 (v) for each nonmonetary contribution:

932 (A) the fair market value of the contribution with that information provided by the
933 contributor; and

934 (B) a specific description of the contribution;

935 (vi) a detailed listing of each expenditure made since the last summary report;

936 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

937 (viii) a net balance for the year consisting of the net balance from the last summary
938 report plus all receipts minus all expenditures; and

939 (ix) the name of a political action committee for which the officeholder is designated
940 as an officer who has primary decision-making authority under Section 20A-11-601.

941 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,
942 a single aggregate figure may be reported without separate detailed listings.

943 (ii) Two or more contributions from the same source that have an aggregate total of
944 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

945 (c) In preparing the report, all receipts and expenditures shall be reported as of
946 December 31 of the previous year.

947 (3) The summary report shall contain a paragraph signed by the officeholder certifying
948 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
949 reported as of December 31 of the last calendar year and that there are no bills or obligations
950 outstanding and unpaid except as set forth in that report.

951 (4) An officeholder may:

952 (a) receive public service assistance from a political action committee registered under
953 Section 20A-11-601; and

954 (b) be designated by a political action committee as an officer who has primary
955 decision-making authority as described in Section 20A-11-601.

956 (5) Within 30 days after receiving a cash contribution or cash public service assistance
957 that exceeds \$99 from an unknown source, an officeholder shall disburse the amount of the
958 contribution or public service assistance to:

959 (a) the treasurer of the state or a political subdivision for deposit into the state's or
960 political subdivision's general fund; or

961 (b) an organization that is exempt from federal income taxation under Section
962 501(c)(3), Internal Revenue Code.

963 Section 11. Section **20A-11-505.7** is amended to read:

964 **20A-11-505.7. Separate account for contributions for registered political party --**
965 **-- Anonymous contributions to registered political party or county political party.**

966 (1) A registered political party shall deposit a contribution received in one or more
967 separate campaign accounts in a financial institution.

968 (2) A registered political party may not deposit or mingle a contribution received into a
969 personal or business account.

970 (3) A registered political party or county political party may not expend a cash
971 contribution for political purposes or a political issues expenditure if the cash contribution:

972 (a) exceeds \$99; and

973 (b) is from an unknown source.

974 Section 12. Section **20A-11-506** is amended to read:

975 **20A-11-506. Political party financial reporting requirements -- Year-end**
976 **summary report.**

977 (1) The party committee of each registered political party shall file a summary report by
978 January 10 of each year.

979 (2) (a) Each summary report shall include the following information as of December 31
980 of the previous year:

981 (i) the net balance of the last summary report, if any;

982 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
983 if any, during the previous year;

984 (iii) a single figure equal to the total amount of expenditures reported on all interim
985 reports, if any, filed during the previous year;

986 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
987 the last summary report that has not been reported in detail on an interim report;

988 (v) for each nonmonetary contribution, the fair market value of the contribution;

989 (vi) a detailed listing of each expenditure made since the last summary report that has
990 not been reported in detail on an interim report;

991 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

992 (viii) a net balance for the year consisting of the net balance from the last summary
993 report, if any, plus all receipts minus all expenditures.

994 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$99 or
995 less, a single aggregate figure may be reported without separate detailed listings.

996 (ii) Two or more contributions from the same source that have an aggregate total of
997 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

998 (c) In preparing the report, all receipts and expenditures shall be reported as of
999 December 31 of the previous year.

1000 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1001 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1002 expenditures have been reported as of December 31 of the previous year and that there are no
1003 bills or obligations outstanding and unpaid except as set forth in that report.

1004 Section 13. Section **20A-11-507** is amended to read:

1005 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

1006 (1) The party committee of each registered political party shall file an interim report at
1007 the following times in any year in which there is a regular general election:

1008 (a) seven days before the registered political party's political convention;

1009 (b) seven days before the regular primary election date;

1010 (c) August 31; and

1011 (d) seven days before the general election date.

1012 (2) Each interim report shall include the following information:

1013 (a) the net balance of the last financial statement, if any;

1014 (b) a single figure equal to the total amount of receipts reported on all prior interim
1015 reports, if any, during the calendar year in which the interim report is due;

1016 (c) a single figure equal to the total amount of expenditures reported on all prior
1017 interim reports, if any, filed during the calendar year in which the interim report is due;

1018 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
1019 the last summary report that has not been reported in detail on a prior interim report;

1020 (e) for each nonmonetary contribution, the fair market value of the contribution;

1021 (f) a detailed listing of each expenditure made since the last summary report that has
1022 not been reported in detail on a prior interim report;

1023 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1024 (h) a net balance for the year consisting of the net balance from the last summary

1025 report, if any, plus all receipts since the last summary report minus all expenditures since the
1026 last summary report; and

1027 (i) a summary page in the form required by the lieutenant governor that identifies:

1028 (i) beginning balance;

1029 (ii) total contributions during the period since the last statement;

1030 (iii) total contributions to date;

1031 (iv) total expenditures during the period since the last statement; and

1032 (v) total expenditures to date.

1033 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$99 or
1034 less, a single aggregate figure may be reported without separate detailed listings.

1035 (b) Two or more contributions from the same source that have an aggregate total of
1036 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1037 (4) In preparing each interim report, all receipts and expenditures shall be reported as
1038 of five days before the required filing date of the report.

1039 Section 14. Section **20A-11-510** is amended to read:

1040 **20A-11-510. County political party financial reporting requirements -- Year-end**
1041 **summary report.**

1042 (1) A county political party officer of a county political party that has received
1043 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$99,
1044 during a calendar year shall file a summary report by January 10 of the following year.

1045 (2) (a) Each summary report shall include the following information as of December 31
1046 of the previous year:

1047 (i) the net balance of the last summary report, if any;

1048 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1049 if any, filed during the previous year;

1050 (iii) a single figure equal to the total amount of expenditures reported on all interim
1051 reports, if any, filed during the previous year;

1052 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
1053 the last summary report that has not been reported in detail on an interim report;

1054 (v) for each nonmonetary contribution, the fair market value of the contribution;

1055 (vi) a detailed listing of each expenditure made since the last summary report that has

1056 not been reported in detail on an interim report;

1057 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1058 (viii) a net balance for the year consisting of the net balance from the last summary

1059 report, if any, plus all receipts minus all expenditures.

1060 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$99 or
1061 less, a single aggregate figure may be reported without separate detailed listings.

1062 (ii) Two or more contributions from the same source that have an aggregate total of
1063 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1064 (c) In preparing the report, all receipts and expenditures shall be reported as of
1065 December 31 of the previous year.

1066 (3) The county political party officer shall certify in the summary report that, to the
1067 best of the officer's knowledge, all receipts and all expenditures have been reported as of
1068 December 31 of the previous year and that there are no bills or obligations outstanding and
1069 unpaid except as set forth in that report.

1070 Section 15. Section **20A-11-511** is amended to read:

1071 **20A-11-511. County political party financial reporting requirements -- Interim**
1072 **reports.**

1073 (1) (a) A county political party officer of a county political party that has received
1074 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$99,
1075 during a calendar year shall file an interim report at the following times in any year in which
1076 there is a regular general election:

1077 (i) seven days before the county political party's convention;

1078 (ii) seven days before the regular primary election date;

1079 (iii) August 31; and

1080 (iv) seven days before the general election date.

1081 (b) A county political party officer need not file an interim report if it received no
1082 contributions or made no expenditures during the reporting period.

1083 (2) Each interim report shall include the following information:

1084 (a) the net balance of the last financial statement, if any;

1085 (b) a single figure equal to the total amount of receipts reported on all prior interim
1086 reports, if any, during the calendar year in which the interim report is due;

- 1087 (c) a single figure equal to the total amount of expenditures reported on all prior
1088 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1089 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
1090 the last summary report that has not been reported in detail on a prior interim report;
- 1091 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 1092 (f) a detailed listing of each expenditure made since the last summary report that has
1093 not been reported in detail on a prior interim report;
- 1094 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1095 (h) a net balance for the year consisting of the net balance from the last summary
1096 report, if any, plus all receipts since the last summary report minus all expenditures since the
1097 last summary report; and
- 1098 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1099 (i) beginning balance;
- 1100 (ii) total contributions during the period since the last statement;
- 1101 (iii) total contributions to date;
- 1102 (iv) total expenditures during the period since the last statement; and
- 1103 (v) total expenditures to date.
- 1104 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$99 or
1105 less, a single aggregate figure may be reported without separate detailed listings.
- 1106 (b) Two or more contributions from the same source that have an aggregate total of
1107 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.
- 1108 (4) In preparing each interim report, all receipts and expenditures shall be reported as
1109 of five days before the required filing date of the report.
- 1110 Section 16. Section **20A-11-601** is amended to read:
- 1111 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
1112 **providing false information or accepting unlawful contribution.**
- 1113 (1) (a) Each political action committee shall file a statement of organization with the
1114 lieutenant governor's office by January 10 of each year, unless the political action committee
1115 has filed a notice of dissolution under Subsection (4).
- 1116 (b) If a political action committee is organized after the January 10 filing date, the
1117 political action committee shall file an initial statement of organization no later than seven days

1118 after:

1119 (i) receiving contributions totaling at least \$750; or

1120 (ii) distributing expenditures for political purposes totaling at least [~~\$50~~] \$99.

1121 (2) (a) Each political action committee shall designate two officers who have primary
1122 decision-making authority for the political action committee.

1123 (b) A person may not exercise primary decision-making authority for a political action
1124 committee who is not designated under Subsection (2)(a).

1125 (3) The statement of organization shall include:

1126 (a) the name and address of the political action committee;

1127 (b) the name, street address, phone number, occupation, and title of the two primary
1128 officers designated under Subsection (2)(a);

1129 (c) the name, street address, occupation, and title of all other officers of the political
1130 action committee;

1131 (d) the name and street address of the organization, individual corporation, association,
1132 unit of government, or union that the political action committee represents, if any;

1133 (e) the name and street address of all affiliated or connected organizations and their
1134 relationships to the political action committee;

1135 (f) the name, street address, business address, occupation, and phone number of the
1136 committee's treasurer or chief financial officer; and

1137 (g) the name, street address, and occupation of each member of the governing and
1138 advisory boards, if any.

1139 (4) (a) Any registered political action committee that intends to permanently cease
1140 operations shall file a notice of dissolution with the lieutenant governor's office.

1141 (b) Any notice of dissolution filed by a political action committee does not exempt that
1142 political action committee from complying with the financial reporting requirements of this
1143 chapter.

1144 (5) (a) Unless the political action committee has filed a notice of dissolution under
1145 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
1146 notice of any change of an officer described in Subsection (2)(a).

1147 (b) Notice of a change of a primary officer described in Subsection (2)(a) shall:

1148 (i) be filed within 10 days of the date of the change; and

1149 (ii) contain the name and title of the officer being replaced, and the name, street
1150 address, occupation, and title of the new officer.

1151 (6) (a) A person is guilty of providing false information in relation to a political action
1152 committee if the person intentionally or knowingly gives false or misleading material
1153 information in the statement of organization or the notice of change of primary officer.

1154 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
1155 unlawful contribution if the political action committee knowingly or recklessly accepts a
1156 contribution from a corporation that:

1157 (i) was organized less than 90 days before the date of the general election; and

1158 (ii) at the time the political action committee accepts the contribution, has failed to file
1159 a statement of organization with the lieutenant governor's office as required by Section
1160 20A-11-704.

1161 (c) A violation of this Subsection (6) is a third degree felony.

1162 Section 17. Section **20A-11-602** is amended to read:

1163 **20A-11-602. Political action committees -- Financial reporting -- Anonymous**
1164 **contributions.**

1165 (1) (a) Each registered political action committee that has received contributions
1166 totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$99, during a calendar
1167 year shall file a verified financial statement with the lieutenant governor's office:

1168 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1169 previous year;

1170 (ii) seven days before the regular primary election date;

1171 (iii) on August 31; and

1172 (iv) seven days before:

1173 (A) the municipal general election; and

1174 (B) the regular general election date.

1175 (b) The registered political action committee shall report:

1176 (i) a detailed listing of all contributions received and expenditures made since the last
1177 statement; and

1178 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1179 contributions and expenditures as of five days before the required filing date of the financial

1180 statement.

1181 (c) The registered political action committee need not file a statement under this
1182 section if it received no contributions and made no expenditures during the reporting period.

1183 (2) (a) The verified financial statement shall include:

1184 (i) the name and address of any individual that makes a contribution to the reporting
1185 political action committee, if known, and the amount of the contribution;

1186 (ii) the identification of any publicly identified class of individuals that makes a
1187 contribution to the reporting political action committee, and the amount of the contribution;

1188 (iii) the name and address of any political action committee, group, or entity, if known,
1189 that makes a contribution to the reporting political action committee, and the amount of the
1190 contribution;

1191 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1192 (v) the name and address of each reporting entity that received an expenditure from the
1193 reporting political action committee, and the amount of each expenditure;

1194 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

1195 (vii) the total amount of contributions received and expenditures disbursed by the
1196 reporting political action committee;

1197 (viii) a statement by the political action committee's treasurer or chief financial officer
1198 certifying that, to the best of the person's knowledge, the financial report is accurate; and

1199 (ix) a summary page in the form required by the lieutenant governor that identifies:

1200 (A) beginning balance;

1201 (B) total contributions during the period since the last statement;

1202 (C) total contributions to date;

1203 (D) total expenditures during the period since the last statement; and

1204 (E) total expenditures to date.

1205 (b) (i) Contributions received by a political action committee that have a value of [~~\$50~~]
1206 \$99 or less need not be reported individually, but shall be listed on the report as an aggregate
1207 total.

1208 (ii) Two or more contributions from the same source that have an aggregate total of
1209 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1210 (3) A group or entity may not divide or separate into units, sections, or smaller groups

1211 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
1212 shall prevail over form in determining the scope or size of a political action committee.

1213 (4) (a) As used in this Subsection (4), "received" means:

1214 (i) for a cash contribution, that the cash is given to a political action committee;

1215 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1216 instrument or check is negotiated; and

1217 (iii) for any other type of contribution, that any portion of the contribution's benefit
1218 inures to the political action committee.

1219 (b) A political action committee shall report each contribution to the lieutenant
1220 governor within 30 days after the contribution is received.

1221 (5) A political action committee may not expend a cash contribution for political
1222 purposes if the cash contribution:

1223 (a) exceeds \$99; and

1224 (b) is from an unknown source.

1225 Section 18. Section **20A-11-702** is amended to read:

1226 **20A-11-702. Campaign financial reporting of political issues expenditures by**
1227 **corporations -- Financial reporting.**

1228 (1) (a) Each corporation that has made political issues expenditures on current or
1229 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
1230 financial statement with the lieutenant governor's office:

1231 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1232 (ii) seven days before the regular primary election date;

1233 (iii) on August 31; and

1234 (iv) seven days before the regular general election date.

1235 (b) The corporation shall report:

1236 (i) a detailed listing of all expenditures made since the last statement; and

1237 (ii) for financial statements under Subsections (1)(a)(ii) through (iv), expenditures as of
1238 five days before the required filing date of the financial statement.

1239 (c) The corporation need not file a statement under this section if it made no
1240 expenditures during the reporting period.

1241 (2) That statement shall include:

1242 (a) the name and address of each individual, entity, or group of individuals or entities
1243 that received a political issues expenditure of more than [~~\$50~~] \$99 from the corporation, and
1244 the amount of each political issues expenditure;

1245 (b) the total amount of political issues expenditures disbursed by the corporation; and

1246 (c) a statement by the corporation's treasurer or chief financial officer certifying the
1247 accuracy of the verified financial statement.

1248 Section 19. Section **20A-11-801** is amended to read:

1249 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
1250 **providing false information or accepting unlawful contribution.**

1251 (1) (a) Each political issues committee shall file a statement of organization with the
1252 lieutenant governor's office by January 10 of each year, unless the political issues committee
1253 has filed a notice of dissolution under Subsection (4).

1254 (b) If a political issues committee is organized after the January 10 filing date, the
1255 political issues committee shall file an initial statement of organization no later than seven days
1256 after:

1257 (i) receiving political issues contributions totaling at least \$750; or

1258 (ii) disbursing political issues expenditures totaling at least [~~\$50~~] \$99.

1259 (2) Each political issues committee shall designate two officers that have primary
1260 decision-making authority for the political issues committee.

1261 (3) The statement of organization shall include:

1262 (a) the name and street address of the political issues committee;

1263 (b) the name, street address, phone number, occupation, and title of the two primary
1264 officers designated under Subsection (2);

1265 (c) the name, street address, occupation, and title of all other officers of the political
1266 issues committee;

1267 (d) the name and street address of the organization, individual, corporation,
1268 association, unit of government, or union that the political issues committee represents, if any;

1269 (e) the name and street address of all affiliated or connected organizations and their
1270 relationships to the political issues committee;

1271 (f) the name, street address, business address, occupation, and phone number of the
1272 committee's treasurer or chief financial officer;

1273 (g) the name, street address, and occupation of each member of the supervisory and
1274 advisory boards, if any; and

1275 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1276 or oppose it.

1277 (4) (a) Any registered political issues committee that intends to permanently cease
1278 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1279 office.

1280 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1281 political issues committee from complying with the financial reporting requirements of this
1282 chapter.

1283 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1284 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1285 notice of any change of an officer described in Subsection (2).

1286 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1287 (i) be filed within 10 days of the date of the change; and

1288 (ii) contain the name and title of the officer being replaced and the name, street
1289 address, occupation, and title of the new officer.

1290 (6) (a) A person is guilty of providing false information in relation to a political issues
1291 committee if the person intentionally or knowingly gives false or misleading material
1292 information in the statement of organization or the notice of change of primary officer.

1293 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1294 contribution if the political issues committee knowingly or recklessly accepts a contribution
1295 from a corporation that:

1296 (i) was organized less than 90 days before the date of the general election; and

1297 (ii) at the time the political issues committee accepts the contribution, has failed to file
1298 a statement of organization with the lieutenant governor's office as required by Section
1299 20A-11-704.

1300 (c) A violation of this Subsection (6) is a third degree felony.

1301 Section 20. Section **20A-11-802** is amended to read:

1302 **20A-11-802. Political issues committees -- Financial reporting -- Anonymous**
1303 **contributions.**

1304 (1) (a) Each registered political issues committee that has received political issues
1305 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1306 [~~\$50~~] \$99, during a calendar year, shall file a verified financial statement with the lieutenant
1307 governor's office:

1308 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1309 previous year;

1310 (ii) seven days before the date of an incorporation election, if the political issues
1311 committee has received donations or made disbursements to affect an incorporation;

1312 (iii) at least three days before the first public hearing held as required by Section
1313 20A-7-204.1;

1314 (iv) if the political issues committee has received or expended funds in relation to an
1315 initiative or referendum, at the time the initiative or referendum sponsors submit:

1316 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1317 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1318 (v) on August 31; and

1319 (vi) seven days before:

1320 (A) the municipal general election; and

1321 (B) the regular general election.

1322 (b) The political issues committee shall report:

1323 (i) a detailed listing of all contributions received and expenditures made since the last
1324 statement; and

1325 (ii) all contributions and expenditures as of five days before the required filing date of
1326 the financial statement, except for a financial statement filed on January 10.

1327 (c) The political issues committee need not file a statement under this section if it
1328 received no contributions and made no expenditures during the reporting period.

1329 (2) (a) That statement shall include:

1330 (i) the name and address, if known, of any individual that makes a political issues
1331 contribution to the reporting political issues committee, and the amount of the political issues
1332 contribution;

1333 (ii) the identification of any publicly identified class of individuals that makes a
1334 political issues contribution to the reporting political issues committee, and the amount of the

- 1335 political issues contribution;
- 1336 (iii) the name and address, if known, of any political issues committee, group, or entity
- 1337 that makes a political issues contribution to the reporting political issues committee, and the
- 1338 amount of the political issues contribution;
- 1339 (iv) the name and address of each reporting entity that makes a political issues
- 1340 contribution to the reporting political issues committee, and the amount of the political issues
- 1341 contribution;
- 1342 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1343 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
- 1344 entity, or group of individuals or entities that received a political issues expenditure of more
- 1345 than [~~\$50~~] \$99 from the reporting political issues committee, and the amount of each political
- 1346 issues expenditure;
- 1347 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1348 (viii) the total amount of political issues contributions received and political issues
- 1349 expenditures disbursed by the reporting political issues committee;
- 1350 (ix) a statement by the political issues committee's treasurer or chief financial officer
- 1351 certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- 1352 (x) a summary page in the form required by the lieutenant governor that identifies:
- 1353 (A) beginning balance;
- 1354 (B) total contributions during the period since the last statement;
- 1355 (C) total contributions to date;
- 1356 (D) total expenditures during the period since the last statement; and
- 1357 (E) total expenditures to date.
- 1358 (b) (i) Political issues contributions received by a political issues committee that have a
- 1359 value of [~~\$50~~] \$99 or less need not be reported individually, but shall be listed on the report as
- 1360 an aggregate total.
- 1361 (ii) Two or more political issues contributions from the same source that have an
- 1362 aggregate total of more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be
- 1363 reported separately.
- 1364 (c) When reporting political issue expenditures made to circulators of initiative
- 1365 petitions, the political issues committee:

- 1366 (i) need only report the amount paid to each initiative petition circulator; and
 1367 (ii) need not report the name or address of the circulator.
 1368 (3) (a) As used in this Subsection (3), "received" means:
 1369 (i) for a cash contribution, that the cash is given to a political issues committee;
 1370 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1371 instrument or check is negotiated; and
 1372 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1373 inures to the political issues committee.
 1374 (b) A political issues committee shall report each contribution to the lieutenant
 1375 governor within 30 days after the contribution is received.
 1376 (4) A political issues committee may not expend a cash contribution for a political
 1377 issues expenditure if the cash contribution:
 1378 (a) exceeds \$99; and
 1379 (b) is from an unknown source.

1380 Section 21. Section **20A-11-904** is amended to read:

1381 **20A-11-904. Contribution given in another's name and anonymous contributions**
 1382 **prohibited.**

1383 A person may not:

- 1384 (1) make a contribution in the name of another;
 1385 (2) knowingly permit another to make a contribution in the person's name; [or]
 1386 (3) knowingly accept a contribution made by one person in the name of another[-]; or
 1387 (4) make a contribution that exceeds \$99 without disclosing the person's name.

1388 Section 22. Section **20A-11-1301** is amended to read:

1389 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
 1390 **Candidate as a political action committee officer -- No personal use -- Report**
 1391 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

1392 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
 1393 service assistance received in one or more separate accounts in a financial institution that are
 1394 dedicated only to that purpose.

1395 (ii) A school board office candidate may:

- 1396 (A) receive a contribution or public service assistance from a political action

1397 committee registered under Section 20A-11-601; and

1398 (B) be designated by a political action committee as an officer who has primary
1399 decision-making authority as described in Section 20A-11-601.

1400 (b) A school board office candidate may not use money deposited in an account
1401 described in Subsection (1)(a)(i) for:

1402 (i) a personal use expenditure; or

1403 (ii) an expenditure prohibited by law.

1404 (2) A school board office candidate may not deposit or mingle any contributions or
1405 public service assistance received into a personal or business account.

1406 (3) A school board office candidate may not make any political expenditures prohibited
1407 by law.

1408 (4) If a person who is no longer a school board candidate chooses not to expend the
1409 money remaining in a campaign account, the person shall continue to file the year-end
1410 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1411 summary report required by Section 20A-11-1304 are filed with:

1412 (a) the lieutenant governor in the case of a state school board candidate; and

1413 (b) the county clerk, in the case of a local school board candidate.

1414 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1415 is no longer a school board candidate may not expend or transfer the money in a campaign
1416 account in a manner that would cause the former school board candidate to recognize the
1417 money as taxable income under federal tax law.

1418 (b) A person who is no longer a school board candidate may transfer the money in a
1419 campaign account in a manner that would cause the former school board candidate to recognize
1420 the money as taxable income under federal tax law if the transfer is made to a campaign
1421 account for federal office.

1422 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1423 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1424 member of the candidate's personal campaign committee;

1425 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1426 instrument or check is negotiated; and

1427 (iii) for any other type of contribution, that any portion of the contribution's benefit

1428 inures to the school board office candidate.

1429 (b) Each school board office candidate shall report to the chief election officer each
1430 contribution and public service assistance within 30 days after the contribution or public
1431 service assistance is received.

1432 (7) Within 30 days after receiving a cash contribution that exceeds \$99 from an
1433 unknown source, a school board office candidate shall disburse the contribution to:

1434 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1435 political subdivision's general fund; or

1436 (b) an organization that is exempt from federal income taxation under Section
1437 501(c)(3), Internal Revenue Code.

1438 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a
1439 financial institution:

1440 (i) that is not described in Subsection (1)(a)(i); and

1441 (ii) into which or from which a person who, as a candidate for an office, other than a
1442 school board office for which the person files a declaration of candidacy or federal office, or as
1443 a holder of an office, other than a school board office for which the person files a declaration of
1444 candidacy or federal office, deposits a contribution or makes an expenditure.

1445 (b) A school board office candidate shall include on any financial statement filed in
1446 accordance with this part:

1447 (i) a contribution deposited in an account:

1448 (A) since the last campaign finance statement was filed; or

1449 (B) that has not been reported under a statute or ordinance that governs the account; or

1450 (ii) an expenditure made from an account:

1451 (A) since the last campaign finance statement was filed; or

1452 (B) that has not been reported under a statute or ordinance that governs the account.

1453 Section 23. Section **20A-11-1302** is amended to read:

1454 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1455 **-- Year-end summary report.**

1456 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1457 the year after the regular general election year.

1458 (b) In addition to the requirements of Subsection (1)(a), a former school board office

1459 candidate that has not filed the statement of dissolution and final summary report required
1460 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1461 (2) (a) Each summary report shall include the following information as of December 31
1462 of the previous year:

1463 (i) the net balance of the last financial statement, if any;

1464 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1465 if any, during the previous year;

1466 (iii) a single figure equal to the total amount of expenditures reported on all interim
1467 reports, if any, filed during the previous year;

1468 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1469 the last summary report that has not been reported in detail on an interim report;

1470 (v) for each nonmonetary contribution:

1471 (A) the fair market value of the contribution with that information provided by the
1472 contributor; and

1473 (B) a specific description of the contribution;

1474 (vi) a detailed listing of each expenditure made since the last summary report that has
1475 not been reported in detail on an interim report;

1476 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1477 (viii) a net balance for the year consisting of the net balance from the last summary
1478 report, if any, plus all receipts minus all expenditures; and

1479 (ix) the name of a political action committee for which the school board office
1480 candidate is designated as an officer who has primary decision-making authority under Section
1481 20A-11-601.

1482 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,
1483 a single aggregate figure may be reported without separate detailed listings.

1484 (ii) Two or more contributions from the same source that have an aggregate total of
1485 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1486 (c) In preparing the report, all receipts and expenditures shall be reported as of
1487 December 31 of the previous year.

1488 (d) A check or negotiable instrument received by a school board office candidate on or
1489 before December 31 of the previous year shall be included in the summary report.

1490 (3) The school board office candidate shall certify in the summary report that, to the
1491 best of the school board office candidate's knowledge, all receipts and all expenditures have
1492 been reported as of December 31 of the previous year and that there are no bills or obligations
1493 outstanding and unpaid except as set forth in that report.

1494 Section 24. Section **20A-11-1303** is amended to read:

1495 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1496 **-- Interim reports.**

1497 (1) Each school board office candidate shall file an interim report at the following
1498 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1499 (a) May 15, for state school board office candidates;

1500 (b) seven days before the regular primary election date;

1501 (c) August 31; and

1502 (d) seven days before the regular general election date.

1503 (2) Each interim report shall include the following information:

1504 (a) the net balance of the last summary report, if any;

1505 (b) a single figure equal to the total amount of receipts reported on all prior interim
1506 reports, if any, during the calendar year in which the interim report is due;

1507 (c) a single figure equal to the total amount of expenditures reported on all prior
1508 interim reports, if any, filed during the calendar year in which the interim report is due;

1509 (d) a detailed listing of each contribution and public service assistance received since
1510 the last summary report that has not been reported in detail on a prior interim report;

1511 (e) for each nonmonetary contribution:

1512 (i) the fair market value of the contribution with that information provided by the
1513 contributor; and

1514 (ii) a specific description of the contribution;

1515 (f) a detailed listing of each expenditure made since the last summary report that has
1516 not been reported in detail on a prior interim report;

1517 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1518 (h) a net balance for the year consisting of the net balance from the last summary

1519 report, if any, plus all receipts since the last summary report minus all expenditures since the
1520 last summary report;

1521 (i) a summary page in the form required by the lieutenant governor that identifies:
 1522 (i) beginning balance;
 1523 (ii) total contributions during the period since the last statement;
 1524 (iii) total contributions to date;
 1525 (iv) total expenditures during the period since the last statement; and
 1526 (v) total expenditures to date; and
 1527 (j) the name of a political action committee for which the school board office candidate
 1528 is designated as an officer who has primary decision-making authority under Section
 1529 20A-11-601.

1530 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$99 or less,
 1531 a single aggregate figure may be reported without separate detailed listings.

1532 (b) Two or more contributions from the same source that have an aggregate total of
 1533 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1534 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
 1535 as of five days before the required filing date of the report.

1536 (b) Any negotiable instrument or check received by a school board office candidate
 1537 more than five days before the required filing date of a report required by this section shall be
 1538 included in the interim report.

1539 Section 25. Section **20A-11-1502** is amended to read:

1540 **20A-11-1502. Campaign financial reporting of contributions -- Filing**
 1541 **requirements -- Statement contents.**

1542 (1) (a) Each labor organization that has made expenditures for political purposes or
 1543 political issues expenditures on current or proposed ballot issues that total at least \$750 during
 1544 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1545 (i) on January 10, reporting expenditures as of December 31 of the previous year;
 1546 (ii) seven days before the regular primary election date;
 1547 (iii) on August 31; and
 1548 (iv) seven days before the regular general election date.

1549 (b) The labor organization shall report:

1550 (i) a detailed listing of all expenditures made since the last statement; and
 1551 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all

1552 expenditures as of five days before the required filing date of the financial statement.

1553 (c) The labor organization need not file a financial statement under this section if the
1554 labor organization:

1555 (i) made no expenditures during the reporting period; or

1556 (ii) reports its expenditures during the reporting period under another part of this
1557 chapter.

1558 (2) The financial statement shall include:

1559 (a) the name and address of each reporting entity that received an expenditure or
1560 political issues expenditure of more than [~~\$50~~] \$99 from the labor organization, and the
1561 amount of each expenditure or political issues expenditure;

1562 (b) the total amount of expenditures disbursed by the labor organization; and

1563 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1564 the accuracy of the financial statement.

1565 Section 26. Section **20A-12-301** is amended to read:

1566 **20A-12-301. Definitions.**

1567 As used in this part:

1568 (1) (a) "Contribution" means any of the following when done for political purposes:

1569 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1570 value given to the judge or the judge's personal campaign committee;

1571 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1572 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1573 anything of value to the judge or the judge's personal campaign committee;

1574 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1575 the judge's personal campaign committee;

1576 (iv) compensation paid by any person or reporting entity other than the judge or the
1577 judge's personal campaign committee for personal services provided without charge to the
1578 judge or the judge's personal campaign committee; and

1579 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1580 campaign committee at less than fair market value.

1581 (b) "Contribution" does not include:

1582 (i) services provided without compensation by individuals volunteering a portion or all

1583 of their time on behalf of the judge or the judge's personal campaign committee; or

1584 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1585 institution in the ordinary course of business.

1586 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1587 organization that is registered as a corporation or is authorized to do business in a state and
1588 makes any expenditure from corporate funds for political purposes.

1589 (b) "Corporation" does not mean:

1590 (i) a business organization's political action committee as defined in Section
1591 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

1592 (ii) a business entity organized as a partnership or a sole proprietorship.

1593 (3) "Detailed listing" means:

1594 (a) for each contribution:

1595 (i) the name and address of the individual or source making the contribution, if known;

1596 (ii) the amount or value of the contribution; and

1597 (iii) the date the contribution was made; and

1598 (b) for each expenditure:

1599 (i) the amount of the expenditure;

1600 (ii) the person or entity to whom it was disbursed;

1601 (iii) the specific purpose, item, or service acquired by the expenditure; and

1602 (iv) the date the expenditure was made.

1603 (4) (a) "Expenditure" means:

1604 (i) any disbursement from contributions or from the separate bank account required by
1605 this chapter;

1606 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1607 or anything of value made for political purposes;

1608 (iii) an express, legally enforceable contract, promise, or agreement to make any
1609 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1610 value for political purposes;

1611 (iv) compensation paid by a corporation or reporting entity for personal services
1612 rendered by a person without charge to the judge or the judge's personal campaign committee;

1613 (v) a transfer of funds between the judge's personal campaign committee and another

1614 judge's personal campaign committee; or

1615 (vi) goods or services provided by the judge's personal campaign committee to or for
1616 the benefit of another judge for political purposes at less than fair market value.

1617 (b) "Expenditure" does not include:

1618 (i) services provided without compensation by individuals volunteering a portion or all
1619 of their time on behalf of the judge or judge's personal campaign committee; or

1620 (ii) money lent to a judge's personal campaign committee by a financial institution in
1621 the ordinary course of business.

1622 (5) "Individual" means a natural person.

1623 (6) "Interim report" means a report identifying the contributions received and
1624 expenditures made since the last report.

1625 (7) "Personal campaign committee" means the committee appointed by a judge to act
1626 for the judge as provided in this chapter.

1627 (8) "Political purposes" means an act done with the intent or in a way to influence or
1628 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1629 against any judge standing for retention at any election.

1630 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1631 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1632 action committee, and a political issues committee.

1633 (10) "Summary report" means the year-end report containing the summary of a
1634 reporting entity's contributions and expenditures.

1635 Section 27. Section **20A-12-303** is amended to read:

1636 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1637 (1) The judge or the judge's personal campaign committee shall deposit each
1638 contribution in one or more separate personal campaign accounts in a financial institution.

1639 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1640 any contributions received into a personal or business account.

1641 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

1642 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1643 campaign committee;

1644 (ii) for a contribution that is a negotiable instrument or check, that the negotiable

1645 instrument or check is negotiated; and

1646 (iii) for any other type of contribution, that any portion of the contribution's benefit
1647 inures to the judge.

1648 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1649 governor each contribution within 30 days after the contribution is received.

1650 (4) Within 30 days after receiving a cash contribution that exceeds \$99 from an
1651 unknown source, a judge or the judge's personal campaign committee shall disburse the amount
1652 of the contribution to:

1653 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1654 political subdivision's general fund; or

1655 (b) an organization that is exempt from federal income taxation under Section
1656 501(c)(3), Internal Revenue Code.

1657 Section 28. Section **20A-12-304** is amended to read:

1658 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1659 **requirements -- Year-end summary report.**

1660 (1) The judge's personal campaign committee shall file a summary report with the
1661 lieutenant governor by January 10 of the year after the regular general election year.

1662 (2) (a) Each summary report shall include the following information as of December 31
1663 of the last regular general election year:

1664 (i) a single figure equal to the total amount of contributions reported on the interim
1665 report;

1666 (ii) a single figure equal to the total amount of expenditures reported on the interim
1667 report;

1668 (iii) a detailed listing of each contribution received since the last summary report that
1669 has not been reported in detail on the interim report;

1670 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1671 (v) a detailed listing of each expenditure made since the last summary report that has
1672 not been reported in detail on the interim report;

1673 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1674 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1675 (b) (i) For all single contributions of [~~\$50~~] \$99 or less, an aggregate figure may be

1676 reported without a separate detailed listing.

1677 (ii) Two or more contributions from the same source for a total of more than [~~\$50~~] \$99
1678 may not be reported in the aggregate, but shall be reported in the detailed listing.

1679 (c) A check or negotiable instrument received by a judge or the judge's personal
1680 campaign committee on or before December 31 of the previous year shall be reported in the
1681 summary report.

1682 (3) The judge shall certify in the summary report that, to the best of the judge's
1683 knowledge, all contributions and all expenditures have been reported as of December 31 of the
1684 last regular general election year and that there are no financial obligations outstanding except
1685 as set forth in the report.

1686 Section 29. Section **20A-12-305** is amended to read:

1687 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1688 **requirements -- Interim report.**

1689 (1) The judge's personal campaign committee shall file an interim report with the
1690 lieutenant governor before the close of regular office hours on the date seven days before the
1691 regular general election date.

1692 (2) Each interim report shall include the following information:

1693 (a) a detailed listing of each contribution received since the last financial statement;

1694 (b) for each nonmonetary contribution, the fair market value of the contribution;

1695 (c) a detailed listing of each expenditure made since the last summary report;

1696 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1697 (e) a net balance for the year consisting of all contributions since the last summary

1698 report minus all expenditures since the last summary report.

1699 (3) (a) For all individual contributions of [~~\$50~~] \$99 or less, a single aggregate figure
1700 may be reported without separate detailed listings.

1701 (b) Two or more contributions from the same source that have an aggregate total of
1702 more than [~~\$50~~] \$99 may not be reported in the aggregate, but shall be reported separately.

1703 (4) In preparing each interim report, all contributions and expenditures shall be
1704 reported as of five days before the required filing date of the report.

1705 (5) A negotiable instrument or check received by a judge or the judge's personal
1706 campaign committee more than five days before the required filing date of a report required by

1707 this section shall be included in the interim report.