

CAMPAIGN FINANCE REPORTING BY CORPORATIONS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, regarding campaign finance reporting by corporations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a corporation that makes expenditures to influence the outcome of an election to report on a financial statement money received from a donor in certain circumstances;
- ▶ requires a corporation in certain circumstances to notify a donor that:
 - the corporation may use the money to influence the outcome of an election; and
 - the corporation may disclose the donor; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

20A-11-701 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapter 347

20A-11-702, as last amended by Laws of Utah 2010, Chapter 389

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

Section 1. Section **20A-11-101** is amended to read:

20A-11-101. Definitions.

As used in this chapter:

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

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

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

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

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

43 (4) "Chief election officer" means:

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

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

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

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

52 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
53 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
54 anything of value to the filing entity;

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

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

58 (v) remuneration from:

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

60 or

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

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

64 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

84 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
85 proposition.

86 (b) "Corporation" does not mean:

87 (i) a business organization's political action committee or political issues committee; or

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

89 (8) "County political party" means, for each registered political party, all of the persons
90 within a single county who, under definitions established by the political party, are members of
91 the registered political party.

92 (9) "County political party officer" means a person whose name is required to be
93 submitted by a county political party to the lieutenant governor in accordance with Section
94 20A-8-402.

95 (10) "Detailed listing" means:

96 (a) for each contribution or public service assistance:

97 (i) the name and address of the individual or source making the contribution or public
98 service assistance;

99 (ii) the amount or value of the contribution or public service assistance; and

100 (iii) the date the contribution or public service assistance was made; and

101 (b) for each expenditure:

102 (i) the amount of the expenditure;

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

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

105 (iv) the date the expenditure was made.

106 (11) (a) "Donor" means a person who gives money, including a fee, due, or assessment
107 for membership in the corporation, to a corporation without receiving full and adequate
108 consideration for the money.

109 (b) "Donor" does not include a person who signs a statement that the corporation may
110 not use the money for an expenditure or political issues expenditure.

111 [~~(11)~~] (12) "Election" means each:

112 (a) regular general election;

113 (b) regular primary election; and

114 (c) special election at which candidates are eliminated and selected.

115 [~~(12)~~] (13) "Electioneering communication" means a communication that:

116 (a) has at least a value of \$10,000;

117 (b) clearly identifies a candidate or judge; and

118 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
119 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
120 identified candidate's or judge's election date.

121 [~~(13)~~] (14) (a) "Expenditure" means:

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

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

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

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

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

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

135 (b) "Expenditure" does not include:

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

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

140 (iii) anything listed in Subsection ~~[(13)]~~ (14)(a) that is given by a reporting entity to
141 candidates for office or officeholders in states other than Utah.

142 ~~[(14)]~~ (15) "Federal office" means the office of President of the United States, United
143 States Senator, or United States Representative.

144 ~~[(15)]~~ (16) "Filing entity" means the reporting entity that is required to file a financial
145 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

146 ~~[(16)]~~ (17) "Financial statement" includes any summary report, interim report, verified
147 financial statement, or other statement disclosing contributions, expenditures, receipts,
148 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
149 Retention Elections.

150 ~~[(17)]~~ (18) "Governing board" means the individual or group of individuals that
151 determine the candidates and committees that will receive expenditures from a political action
152 committee, political party, or corporation.

153 ~~[(18)]~~ (19) "Incorporation" means the process established by Title 10, Chapter 2, Part
154 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

155 ~~[(19)]~~ (20) "Incorporation election" means the election authorized by Section 10-2-111.

156 ~~[(20)]~~ (21) "Incorporation petition" means a petition authorized by Section 10-2-109.

157 ~~[(21)]~~ (22) "Individual" means a natural person.

158 ~~[(22)]~~ (23) "Interim report" means a report identifying the contributions received and
159 expenditures made since the last report.

160 ~~[(23)]~~ (24) "Legislative office" means the office of state senator, state representative,
161 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
162 assistant whip of any party caucus in either house of the Legislature.

163 ~~[(24)]~~ (25) "Legislative office candidate" means a person who:

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

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

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

171 ~~[(25)]~~ (26) "Officeholder" means a person who holds a public office.

172 ~~[(26)]~~ (27) "Party committee" means any committee organized by or authorized by the
173 governing board of a registered political party.

174 ~~[(27)]~~ (28) "Person" means both natural and legal persons, including individuals,
175 business organizations, personal campaign committees, party committees, political action
176 committees, political issues committees, and labor organizations, as defined in Section
177 20A-11-1501.

178 ~~[(28)]~~ (29) "Personal campaign committee" means the committee appointed by a
179 candidate to act for the candidate as provided in this chapter.

180 ~~[(29)]~~ (30) "Personal use expenditure" has the same meaning as provided under Section
181 20A-11-104.

182 ~~[(30)]~~ (31) (a) "Political action committee" means an entity, or any group of
183 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

192 (i) a party committee;

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

195 (iii) an individual;

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

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

200 (vi) a personal campaign committee.

201 ~~[(31)]~~ (32) "Political convention" means a county or state political convention held by
202 a registered political party to select candidates.

203 ~~[(32)]~~ (33) (a) "Political issues committee" means an entity, or any group of individuals
204 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

214 (i) a registered political party or a party committee;

215 (ii) any entity that provides goods or services to an individual or committee in the
216 regular course of its business at the same price that would be provided to the general public;

217 (iii) an individual;

218 (iv) individuals who are related and who make contributions from a joint checking

- 219 account; or
- 220 (v) a corporation, except a corporation a major purpose of which is to act as a political
221 issues committee.
- 222 ~~[(33)]~~ (34) (a) "Political issues contribution" means any of the following:
- 223 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
224 anything of value given to a political issues committee;
- 225 (ii) an express, legally enforceable contract, promise, or agreement to make a political
226 issues donation to influence the approval or defeat of any ballot proposition;
- 227 (iii) any transfer of funds received by a political issues committee from a reporting
228 entity;
- 229 (iv) compensation paid by another reporting entity for personal services rendered
230 without charge to a political issues committee; and
- 231 (v) goods or services provided to or for the benefit of a political issues committee at
232 less than fair market value.
- 233 (b) "Political issues contribution" does not include:
- 234 (i) services provided without compensation by individuals volunteering a portion or all
235 of their time on behalf of a political issues committee; or
- 236 (ii) money lent to a political issues committee by a financial institution in the ordinary
237 course of business.
- 238 ~~[(34)]~~ (35) (a) "Political issues expenditure" means any of the following:
- 239 (i) any payment from political issues contributions made for the purpose of influencing
240 the approval or the defeat of:
- 241 (A) a ballot proposition; or
- 242 (B) an incorporation petition or incorporation election;
- 243 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
244 the express purpose of influencing the approval or the defeat of:
- 245 (A) a ballot proposition; or
- 246 (B) an incorporation petition or incorporation election;
- 247 (iii) an express, legally enforceable contract, promise, or agreement to make any
248 political issues expenditure;
- 249 (iv) compensation paid by a reporting entity for personal services rendered by a person

250 without charge to a political issues committee; or

251 (v) goods or services provided to or for the benefit of another reporting entity at less
252 than fair market value.

253 (b) "Political issues expenditure" does not include:

254 (i) services provided without compensation by individuals volunteering a portion or all
255 of their time on behalf of a political issues committee; or

256 (ii) money lent to a political issues committee by a financial institution in the ordinary
257 course of business.

258 ~~[(35)]~~ (36) "Political purposes" means an act done with the intent or in a way to
259 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
260 for or against any candidate or a person seeking a municipal or county office at any caucus,
261 political convention, or election.

262 ~~[(36)]~~ (37) "Primary election" means any regular primary election held under the
263 election laws.

264 ~~[(37)]~~ (38) "Public office" means the office of governor, lieutenant governor, state
265 auditor, state treasurer, attorney general, state or local school board member, state senator, state
266 representative, speaker of the House of Representatives, president of the Senate, and the leader,
267 whip, and assistant whip of any party caucus in either house of the Legislature.

268 ~~[(38)]~~ (39) (a) "Public service assistance" means the following when given or provided
269 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
270 communicate with the officeholder's constituents:

271 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
272 money or anything of value to an officeholder; or

273 (ii) goods or services provided at less than fair market value to or for the benefit of the
274 officeholder.

275 (b) "Public service assistance" does not include:

276 (i) anything provided by the state;

277 (ii) services provided without compensation by individuals volunteering a portion or all
278 of their time on behalf of an officeholder;

279 (iii) money lent to an officeholder by a financial institution in the ordinary course of
280 business;

281 (iv) news coverage or any publication by the news media; or

282 (v) any article, story, or other coverage as part of any regular publication of any
283 organization unless substantially all the publication is devoted to information about the
284 officeholder.

285 ~~[(39)]~~ (40) "Publicly identified class of individuals" means a group of 50 or more
286 individuals sharing a common occupation, interest, or association that contribute to a political
287 action committee or political issues committee and whose names can be obtained by contacting
288 the political action committee or political issues committee upon whose financial statement the
289 individuals are listed.

290 ~~[(40)]~~ (41) "Receipts" means contributions and public service assistance.

291 ~~[(41)]~~ (42) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
292 Lobbyist Disclosure and Regulation Act.

293 ~~[(42)]~~ (43) "Registered political action committee" means any political action
294 committee that is required by this chapter to file a statement of organization with the lieutenant
295 governor's office.

296 ~~[(43)]~~ (44) "Registered political issues committee" means any political issues
297 committee that is required by this chapter to file a statement of organization with the lieutenant
298 governor's office.

299 ~~[(44)]~~ (45) "Registered political party" means an organization of voters that:

300 (a) participated in the last regular general election and polled a total vote equal to 2%
301 or more of the total votes cast for all candidates for the United States House of Representatives
302 for any of its candidates for any office; or

303 (b) has complied with the petition and organizing procedures of Chapter 8, Political
304 Party Formation and Procedures.

305 ~~[(45)]~~ (46) (a) "Remuneration" means a payment:

306 (i) made to a legislator for the period the Legislature is in session; and

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

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

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

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

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

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

314 ~~[(46)]~~ (47) "Reporting entity" means a candidate, a candidate's personal campaign

315 committee, a judge, a judge's personal campaign committee, an officeholder, a party

316 committee, a political action committee, a political issues committee, a corporation, or a labor

317 organization, as defined in Section 20A-11-1501.

318 ~~[(47)]~~ (48) "School board office" means the office of state school board or local school

319 board.

320 ~~[(48)]~~ (49) (a) "Source" means the person or entity that is the legal owner of the

321 tangible or intangible asset that comprises the contribution.

322 (b) "Source" means, for political action committees and corporations, the political

323 action committee and the corporation as entities, not the contributors to the political action

324 committee or the owners or shareholders of the corporation.

325 ~~[(49)]~~ (50) "State office" means the offices of governor, lieutenant governor, attorney

326 general, state auditor, and state treasurer.

327 ~~[(50)]~~ (51) "State office candidate" means a person who:

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

329 (b) receives contributions, makes expenditures, or gives consent for any other person to

330 receive contributions or make expenditures to bring about the person's nomination or election

331 to a state office.

332 ~~[(51)]~~ (52) "Summary report" means the year end report containing the summary of a

333 reporting entity's contributions and expenditures.

334 ~~[(52)]~~ (53) "Supervisory board" means the individual or group of individuals that

335 allocate expenditures from a political issues committee.

336 Section 2. Section **20A-11-701 (Effective 05/01/13)** is amended to read:

337 **20A-11-701 (Effective 05/01/13). Campaign financial reporting by corporations --**

338 **Filing requirements -- Statement contents -- Donor reporting and notification required.**

339 (1) (a) Each corporation that has made expenditures for political purposes that total at

340 least \$750 during a calendar year shall file a verified financial statement with the lieutenant

341 governor's office:

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

- 343 (ii) seven days before the regular primary election date;
- 344 (iii) on August 31; and
- 345 (iv) seven days before the regular general election date.
- 346 (b) The corporation shall report:
- 347 (i) a detailed listing of all expenditures made since the last financial statement;
- 348 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
- 349 expenditures as of five days before the required filing date of the financial statement; and
- 350 (iii) whether the corporation, including an officer of the corporation, director of the
- 351 corporation, or person with at least 10% ownership in the corporation:
- 352 (A) has bid since the last financial statement on a contract, as defined in Section
- 353 63G-6a-103, in excess of \$100,000;
- 354 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of
- 355 \$100,000; or
- 356 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
- 357 (c) The corporation need not file a financial statement under this section if the
- 358 corporation made no expenditures during the reporting period.
- 359 (2) The financial statement shall include:
- 360 (a) the name and address of each reporting entity that received an expenditure from the
- 361 corporation, and the amount of each expenditure;
- 362 (b) the total amount of expenditures disbursed by the corporation~~;~~ and:
- 363 (i) since the last financial statement; and
- 364 (ii) during the calendar year;
- 365 (c) (i) a statement that the corporation did not receive any money from any donor
- 366 during the calendar year or the previous calendar year; or
- 367 (ii) a report, described in Subsection (3), of the money received from donors during the
- 368 calendar year or the previous calendar year in an amount greater than or equal to the total
- 369 amount of expenditures made since the last financial statement; and
- 370 ~~(d)~~ (d) a statement by the corporation's treasurer or chief financial officer certifying
- 371 the accuracy of the financial statement.
- 372 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
- 373 (i) the name and address of a donor;

374 (ii) the amount of the money received by the corporation from a donor; and
375 (iii) the date on which the corporation received the money.
376 (b) To report an amount greater than or equal to the total amount of expenditures made
377 since the last financial statement, a corporation shall report money received from donors in the
378 following order:
379 (i) first, beginning with the least recent date on which the corporation received money
380 that the corporation has not reported on a previous financial statement, the money received
381 from a donor who:
382 (A) requests that the corporation use the money to make an expenditure;
383 (B) gives the money to the corporation in response to a solicitation indicating the
384 corporation's intent to make an expenditure; or
385 (C) knows that the corporation may use the money to make an expenditure; and
386 (ii) second, divide the difference between the total amount of expenditures made since
387 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)
388 on a pro-rata basis between all donors who:
389 (A) are not described in Subsection (3)(b)(i);
390 (B) gave at least \$50 during the calendar year or previous calendar year; and
391 (C) have not been reported on a previous financial statement.
392 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
393 expenditures made since the last financial statement, the financial statement shall contain a
394 statement that the corporation has reported all donors who gave money during the calendar year
395 or previous calendar year.
396 (4) If a corporation makes expenditures that total at least \$750 during a calendar year,
397 the corporation shall notify a person giving money to the corporation that:
398 (a) the corporation may use the money to make an expenditure; and
399 (b) the person's name and address may be disclosed on the corporation's financial
400 statement.

401 Section 3. Section **20A-11-702** is amended to read:

402 **20A-11-702. Campaign financial reporting of political issues expenditures by**
403 **corporations -- Financial reporting -- Donor reporting and notification required.**

404 (1) (a) Each corporation that has made political issues expenditures on current or

405 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
406 financial statement with the lieutenant governor's office:

- 407 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 408 (ii) seven days before the regular primary election date;
- 409 (iii) on August 31; and
- 410 (iv) seven days before the regular general election date.

411 (b) The corporation shall report:

- 412 (i) a detailed listing of all expenditures made since the last financial statement; and
- 413 (ii) for financial statements under Subsections (1)(a)(ii) through (iv), expenditures as of
414 five days before the required filing date of the financial statement.

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

417 (2) That statement shall include:

- 418 (a) the name and address of each individual, entity, or group of individuals or entities
419 that received a political issues expenditure of more than \$50 from the corporation, and the
420 amount of each political issues expenditure;
- 421 (b) the total amount of political issues expenditures disbursed by the corporation[;
422 ~~and~~];
- 423 (i) since the last financial statement; and
- 424 (ii) during the calendar year;
- 425 (c) (i) a statement that the corporation did not receive any money from any donor
426 during the calendar year or the previous calendar year; or
- 427 (ii) a report, described in Subsection (3), of the money received from donors during the
428 calendar year or the previous calendar year in an amount greater than or equal to the total
429 amount of political issues expenditures made since the last financial statement; and
- 430 [~~(c)~~] (d) a statement by the corporation's treasurer or chief financial officer certifying
431 the accuracy of the verified financial statement.

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

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

436 (b) To report an amount greater than or equal to the total amount of political issues
437 expenditures made since the last financial statement, a corporation shall report money received
438 from donors in the following order:

439 (i) first, beginning with the least recent date on which the corporation received money
440 that has not been reported on a previous financial statement, the money received from a donor
441 who:

442 (A) requests that the corporation use the money to make a political issues expenditure;

443 (B) gives the money to the corporation in response to a solicitation indicating the
444 corporation's intent to make a political issues expenditure; or

445 (C) knows that the corporation may use the money to make a political issues
446 expenditure; and

447 (ii) second, divide the difference between the total amount of political issues
448 expenditures made since the last financial statement and the total amount of money reported
449 under Subsection (3)(b)(i) on a pro-ration basis between all donors who:

450 (A) are not described in Subsection (3)(b)(i);

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

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

453 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
454 political issues expenditures made since the last financial statement, the financial statement
455 shall contain a statement that the corporation has reported all donors who gave money during
456 the calendar year or previous calendar year.

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

459 (a) the corporation may use the money to make a political issues expenditure; and

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