

CAMPAIGN CONTRIBUTIONS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends campaign finance provisions related to anonymous contributions, in the form of cash or a negotiable instrument, and aggregate reporting of those contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits an anonymous contribution that is:
 - over \$50; and
 - cash or a negotiable instrument;
- ▶ requires a candidate to disburse an anonymous contribution or public service assistance that is cash or a negotiable instrument and over \$50 to:
 - the state or a 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 contribution that is cash or a negotiable instrument in excess of \$50 for a political purpose or as a political issues 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 2014, Chapter 337

20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

- 33 **20A-11-201**, as last amended by Laws of Utah 2014, Chapter 335
 34 **20A-11-301**, as last amended by Laws of Utah 2014, Chapter 335
 35 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347
 36 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396
 37 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420
 38 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420
 39 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389
 40 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
 41 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
 42 **20A-12-303**, as last amended by Laws of Utah 2014, Chapter 335

43

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

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

46 **10-3-208. Campaign finance disclosure in municipal election.**

47 (1) As used in this section:

48 (a) "Reporting date" means:

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

51 (ii) the day of filing, for a campaign finance statement required to be filed no later than
 52 30 days after a municipal primary or general election.

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

54 (i) \$50; or

55 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

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

57 (A) shall deposit a campaign contribution in a separate campaign account in a financial
 58 institution; and

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

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

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

- 64 (B) no later than 30 days after the date of the municipal general election.
- 65 (iii) Each candidate for municipal office who is eliminated at a municipal primary
66 election shall file with the municipal clerk or recorder a campaign finance statement no later
67 than 30 days after the date of the municipal primary election.
- 68 (b) Each campaign finance statement under Subsection (2)(a) shall:
- 69 (i) except as provided in Subsection (2)(b)(ii):
- 70 (A) report all of the candidate's itemized and total:
- 71 (I) campaign contributions, including in-kind and other nonmonetary contributions,
72 received before the close of the reporting date; and
- 73 (II) campaign expenditures made through the close of the reporting date; and
- 74 (B) identify:
- 75 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
76 and the name of the donor, if known;
- 77 (II) the aggregate total of all contributions that individually do not exceed the reporting
78 limit; and
- 79 (III) for each campaign expenditure, the amount of the expenditure and the name of the
80 recipient of the expenditure; or
- 81 (ii) report the total amount of all campaign contributions and expenditures if the
82 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
83 candidate's campaign.
- 84 (c) A person who makes a contribution to a candidate shall disclose the person's name
85 to the candidate if the contribution:
- 86 (i) is cash or a negotiable instrument; and
- 87 (ii) exceeds the reporting limit.
- 88 (d) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
89 exceeds the reporting limit, and is from a donor whose name is unknown, a candidate shall
90 disburse the amount of the contribution to:
- 91 (i) the treasurer of the state or a political subdivision for deposit into the state's or
92 political subdivision's general fund; or
- 93 (ii) an organization that is exempt from federal income taxation under Section
94 501(c)(3), Internal Revenue Code.

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

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

98 (ii) into which or from which a person who, as a candidate for an office, other than a
99 municipal office for which the person files a declaration of candidacy or federal office, or as a
100 holder of an office, other than a municipal office for which the person files a declaration of
101 candidacy or federal office, deposits a contribution or makes an expenditure.

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

104 (i) a contribution deposited in an account:

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

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

107 (ii) an expenditure made from an account:

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

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

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

111 (i) provide a reporting limit lower than \$50;

112 (ii) require greater disclosure of campaign contributions and expenditures than is
113 required in this section; and

114 (iii) impose additional penalties on candidates who fail to comply with the applicable
115 requirements beyond those imposed by this section.

116 (b) A candidate for municipal office is subject to the provisions of this section and not
117 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

118 (i) the municipal ordinance establishes requirements or penalties that differ from those
119 established in this section; and

120 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
121 ordinance as required in Subsection (5).

122 (5) Each municipal clerk or recorder shall, at the time the candidate for municipal office
123 files a declaration of candidacy, and again 14 days before each municipal general election, notify
124 the candidate in writing of:

125 (a) the provisions of statute or municipal ordinance governing the disclosure of

126 campaign contributions and expenditures;

127 (b) the dates when the candidate's campaign finance statement is required to be filed;

128 and

129 (c) the penalties that apply for failure to file a timely campaign finance statement,
130 including the statutory provision that requires removal of the candidate's name from the ballot
131 for failure to file the required campaign finance statement when required.

132 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
133 Access and Management Act, the municipal clerk or recorder shall:

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

136 (b) make the campaign finance statement filed by a candidate available for public
137 inspection by:

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

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

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

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

148 (i) shall:

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

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

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

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

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

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

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

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

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

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

168 **17-16-6.5. Campaign financial disclosure in county elections.**

169 (1) A person who makes a contribution to a candidate shall disclose the person's name
170 to the candidate if the contribution:

171 (a) is cash or a negotiable instrument; and

172 (b) exceeds \$50.

173 ~~[(1)]~~ (2) (a) A county shall adopt an ordinance establishing campaign finance disclosure
174 requirements for:

175 (i) candidates for county office; and

176 (ii) candidates for local school board office who reside in that county.

177 (b) The ordinance required by Subsection ~~[(1)]~~ (2)(a) shall include:

178 (i) a requirement that each candidate for county office or local school board office
179 report the candidate's itemized and total campaign contributions and expenditures at least once
180 within the two weeks before the election and at least once within two months after the election;

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

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

184 (A) for each contribution of more than \$50, the name of the donor of the contribution,
185 if known, and the amount of the contribution; and

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

187 (iv) a requirement that a candidate for county office or local school board office deposit

188 a contribution in a separate campaign account in a financial institution; ~~and~~

189 (v) a prohibition against a candidate for county office or local school board office

190 depositing or mingling any contributions received into a personal or business account~~[-]~~;

191 (vi) a requirement that a person who makes a contribution to a candidate shall disclose

192 the person's name to the candidate if the contribution:

193 (A) is cash or a negotiable instrument; and

194 (B) exceeds \$50; and

195 (vii) a requirement that a candidate for county office who receives a contribution that is

196 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,

197 shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:

198 (A) the treasurer of the state or a political subdivision for deposit into the state's or

199 political subdivision's general fund; or

200 (B) an organization that is exempt from federal income taxation under Section

201 501(c)(3), Internal Revenue Code.

202 (c) (i) As used in this Subsection ~~[(1)]~~ (2)(c), "account" means an account in a financial

203 institution:

204 (A) that is not described in Subsection ~~[(1)]~~ (2)(b)(iv); and

205 (B) into which or from which a person who, as a candidate for an office, other than a

206 county office for which the person files a declaration of candidacy or federal office, or as a

207 holder of an office, other than a county office for which the person files a declaration of

208 candidacy or federal office, deposits a contribution or makes an expenditure.

209 (ii) The ordinance required by Subsection ~~[(1)]~~ (2)(a) shall include a requirement that a

210 candidate for county office or local school board office include on a financial report filed in

211 accordance with the ordinance a contribution deposited in or an expenditure made from an

212 account:

213 (A) since the last financial report was filed; or

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

215 ~~[(2)]~~ (3) If any county fails to adopt a campaign finance disclosure ordinance described

216 in Subsection ~~[(1)]~~ (2), candidates for county office, other than community council office, and

217 candidates for local school board office shall comply with the financial reporting requirements

218 contained in Subsections ~~[(3)]~~ (4) through ~~[(7)]~~ (9).

- 219 ~~[(3)]~~ (4) A candidate for elective office in a county or local school board office:
- 220 (a) shall deposit a contribution in a separate campaign account in a financial institution;
- 221 and
- 222 (b) may not deposit or mingle any contributions received into a personal or business
- 223 account.
- 224 ~~[(4)]~~ (5) Each candidate for elective office in any county who is not required to submit
- 225 a campaign financial statement to the lieutenant governor, and each candidate for local school
- 226 board office, shall file a signed campaign financial statement with the county clerk:
- 227 (a) seven days before the date of the regular general election, reporting each
- 228 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
- 229 general election; and
- 230 (b) no later than 30 days after the date of the regular general election.
- 231 ~~[(5)]~~ (6) (a) The statement filed seven days before the regular general election shall
- 232 include:
- 233 (i) a list of each contribution of more than \$50 received by the candidate, and the name
- 234 of the donor, if known;
- 235 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and
- 236 (iii) a list of each expenditure for political purposes made during the campaign period,
- 237 and the recipient of each expenditure.
- 238 (b) The statement filed 30 days after the regular general election shall include:
- 239 (i) a list of each contribution of more than \$50 received after the cutoff date for the
- 240 statement filed seven days before the election, and the name of the donor;
- 241 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after
- 242 the cutoff date for the statement filed seven days before the election; and
- 243 (iii) a list of all expenditures for political purposes made by the candidate after the
- 244 cutoff date for the statement filed seven days before the election, and the recipient of each
- 245 expenditure.
- 246 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a
- 247 financial institution:
- 248 (i) that is not described in Subsection ~~[(3)]~~ (4)(a); and
- 249 (ii) into which or from which a person who, as a candidate for an office, other than a

250 county office for which the person filed a declaration of candidacy or federal office, or as a
251 holder of an office, other than a county office for which the person filed a declaration of
252 candidacy or federal office, deposits a contribution or makes an expenditure.

253 (b) A county office candidate and a local school board office candidate shall include on
254 any campaign financial statement filed in accordance with Subsection [~~(4)~~ or] (5) or (6):

255 (i) a contribution deposited in an account:

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

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

258 (ii) an expenditure made from an account:

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

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

261 (8) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
262 exceeds \$50, and is from a donor whose name is unknown, a county office candidate shall
263 disburse the amount of the contribution to:

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

266 (b) an organization that is exempt from federal income taxation under Section
267 501(c)(3), Internal Revenue Code.

268 [~~(7)~~] (9) Candidates for elective office in any county, and candidates for local school
269 board office, who are eliminated at a primary election shall file a signed campaign financial
270 statement containing the information required by this section not later than 30 days after the
271 primary election.

272 [~~(8)~~] (10) Any person who fails to comply with this section is guilty of an infraction.

273 [~~(9)~~] (11) (a) Counties may, by ordinance, enact requirements that:

274 (i) require greater disclosure of campaign contributions and expenditures; and

275 (ii) impose additional penalties.

276 (b) The requirements described in Subsection [~~(9)~~] (11)(a) apply to a local school board
277 office candidate who resides in that county.

278 [~~(10)~~] (12) (a) If a candidate fails to file an interim report due before the election, the
279 county clerk shall, after making a reasonable attempt to discover if the report was timely mailed,
280 inform the appropriate election officials who:

- 281 (i) (A) shall, if practicable, remove the name of the candidate by blacking out the
282 candidate's name before the ballots are delivered to voters; or
- 283 (B) shall, if removing the candidate's name from the ballot is not practicable, inform the
284 voters by any practicable method that the candidate has been disqualified and that votes cast for
285 the candidate will not be counted; and
- 286 (ii) may not count any votes for that candidate.
- 287 (b) Notwithstanding Subsection ~~[(10)]~~ (12)(a), a candidate is not disqualified if:
- 288 (i) the candidate files the reports required by this section;
- 289 (ii) those reports are completed, detailing accurately and completely the information
290 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
291 and
- 292 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
293 the next scheduled report.
- 294 (c) A report is considered filed if:
- 295 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is
296 due;
- 297 (ii) it is received in the county clerk's office with a United States Postal Service
298 postmark three days or more before the date that the report was due; or
- 299 (iii) the candidate has proof that the report was mailed, with appropriate postage and
300 addressing, three days before the report was due.
- 301 ~~[(11)]~~ (13) (a) Any private party in interest may bring a civil action in district court to
302 enforce the provisions of this section or any ordinance adopted under this section.
- 303 (b) In a civil action filed under Subsection ~~[(11)]~~ (13)(a), the court shall award costs
304 and ~~attorney's~~ attorney fees to the prevailing party.
- 305 ~~[(12)]~~ (14) Notwithstanding any provision of Title 63G, Chapter 2, Government
306 Records Access and Management Act, the county clerk shall:
- 307 (a) make each campaign finance statement filed by a candidate available for public
308 inspection and copying no later than one business day after the statement is filed; and
- 309 (b) make the campaign finance statement filed by a candidate available for public
310 inspection by:
- 311 (i) (A) posting an electronic copy or the contents of the statement on the county's

312 website no later than seven business days after the statement is filed; and

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

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

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

319 **20A-11-101. Definitions.**

320 As used in this chapter:

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

323 (2) "Agent of a reporting entity" means:

324 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

325 (b) a person employed by a reporting entity in the reporting entity's capacity as a
326 reporting entity;

327 (c) the personal campaign committee of a candidate or officeholder;

328 (d) a member of the personal campaign committee of a candidate or officeholder in the
329 member's capacity as a member of the personal campaign committee of the candidate or
330 officeholder; or

331 (e) a political consultant of a reporting entity.

332 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
333 amendments, and any other ballot propositions submitted to the voters that are authorized by
334 the Utah Code Annotated 1953.

335 (4) "Candidate" means any person who:

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

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

340 (5) "Chief election officer" means:

341 (a) the lieutenant governor for state office candidates, legislative office candidates,
342 officeholders, political parties, political action committees, corporations, political issues

343 committees, state school board candidates, judges, and labor organizations, as defined in
344 Section 20A-11-1501; and

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

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

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

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

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

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

355 (v) remuneration from:

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

357 or

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

359 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

360 (vii) in-kind contributions.

361 (b) "Contribution" does not include:

362 (i) services provided by individuals volunteering a portion or all of their time on behalf
363 of the filing entity if the services are provided without compensation by the filing entity or any
364 other person;

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

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

370 (7) "Coordinated with" means that goods or services provided for the benefit of a
371 candidate or political party are provided:

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

374 (b) by agreement with the candidate or political party;
375 (c) in coordination with the candidate or political party; or
376 (d) using official logos, slogans, and similar elements belonging to a candidate or
377 political party.

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

381 (i) the purpose of expressly advocating for political purposes; or
382 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
383 proposition.

384 (b) "Corporation" does not mean:

385 (i) a business organization's political action committee or political issues committee; or
386 (ii) a business entity organized as a partnership or a sole proprietorship.

387 (9) "County political party" means, for each registered political party, all of the persons
388 within a single county who, under definitions established by the political party, are members of
389 the registered political party.

390 (10) "County political party officer" means a person whose name is required to be
391 submitted by a county political party to the lieutenant governor in accordance with Section
392 20A-8-402.

393 (11) "Detailed listing" means:

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

395 (i) the name and address of the individual or source making the contribution or public
396 service assistance, except to the extent that the name or address of the individual or source is
397 unknown;

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

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

400 (b) for each expenditure:

401 (i) the amount of the expenditure;

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

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

404 (iv) the date the expenditure was made.

405 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
406 for membership in the corporation, to a corporation without receiving full and adequate
407 consideration for the money.

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

410 (13) "Election" means each:

411 (a) regular general election;

412 (b) regular primary election; and

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

414 (14) "Electioneering communication" means a communication that:

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

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

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

420 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
421 agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

435 (b) "Expenditure" does not include:

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

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

440 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates
441 for office or officeholders in states other than Utah.

442 (16) "Federal office" means the office of president of the United States, United States
443 Senator, or United States Representative.

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

446 (18) "Financial statement" includes any summary report, interim report, verified
447 financial statement, or other statement disclosing contributions, expenditures, receipts,
448 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
449 Retention Elections.

450 (19) "Governing board" means the individual or group of individuals that determine the
451 candidates and committees that will receive expenditures from a political action committee,
452 political party, or corporation.

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

455 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
456 10-2-127.

457 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
458 10-2-125.

459 (23) "Individual" means a natural person.

460 (24) "In-kind contribution" means anything of value, other than money, that is accepted
461 by or coordinated with a filing entity.

462 (25) "Interim report" means a report identifying the contributions received and
463 expenditures made since the last report.

464 (26) "Legislative office" means the office of state senator, state representative, speaker
465 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
466 whip of any party caucus in either house of the Legislature.

467 (27) "Legislative office candidate" means a person who:

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

469 (b) declares oneself to be a candidate for, or actively campaigns for, the position of

470 speaker of the House of Representatives, president of the Senate, or the leader, whip, and

471 assistant whip of any party caucus in either house of the Legislature; or

472 (c) receives contributions, makes expenditures, or gives consent for any other person to

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

474 appointment to a legislative office.

475 (28) "Major political party" means either of the two registered political parties that have

476 the greatest number of members elected to the two houses of the Legislature.

477 (29) "Officeholder" means a person who holds a public office.

478 (30) "Party committee" means any committee organized by or authorized by the

479 governing board of a registered political party.

480 (31) "Person" means both natural and legal persons, including individuals, business

481 organizations, personal campaign committees, party committees, political action committees,

482 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

483 (32) "Personal campaign committee" means the committee appointed by a candidate to

484 act for the candidate as provided in this chapter.

485 (33) "Personal use expenditure" has the same meaning as provided under Section

486 20A-11-104.

487 (34) (a) "Political action 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 contributions from any other person, group, or entity for political

490 purposes; or

491 (ii) make expenditures to expressly advocate for any person to refrain from voting or to

492 vote for or against any candidate or person seeking election to a municipal or county office.

493 (b) "Political action committee" includes groups affiliated with a registered political

494 party but not authorized or organized by the governing board of the registered political party

495 that receive contributions or makes expenditures for political purposes.

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

497 (i) a party committee;

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

500 (iii) an individual;

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

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

505 (vi) a personal campaign committee.

506 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
507 by another person on behalf of and with the knowledge of the reporting entity, to provide
508 political advice to the reporting entity.

509 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
510 where the person:

511 (i) has already been paid, with money or other consideration;

512 (ii) expects to be paid in the future, with money or other consideration; or

513 (iii) understands that the person may, in the discretion of the reporting entity or another
514 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
515 money or other consideration.

516 (36) "Political convention" means a county or state political convention held by a
517 registered political party to select candidates.

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

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

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

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

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

- 529 (i) a registered political party or a party committee;
- 530 (ii) any entity that provides goods or services to an individual or committee in the
- 531 regular course of its business at the same price that would be provided to the general public;
- 532 (iii) an individual;
- 533 (iv) individuals who are related and who make contributions from a joint checking
- 534 account; or
- 535 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 536 issues committee.

537 (38) (a) "Political issues contribution" means any of the following:

- 538 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
- 539 anything of value given to a political issues committee;
- 540 (ii) an express, legally enforceable contract, promise, or agreement to make a political
- 541 issues donation to influence the approval or defeat of any ballot proposition;
- 542 (iii) any transfer of funds received by a political issues committee from a reporting
- 543 entity;
- 544 (iv) compensation paid by another reporting entity for personal services rendered
- 545 without charge to a political issues committee; and
- 546 (v) goods or services provided to or for the benefit of a political issues committee at
- 547 less than fair market value.

548 (b) "Political issues contribution" does not include:

- 549 (i) services provided without compensation by individuals volunteering a portion or all
- 550 of their time on behalf of a political issues committee; or
- 551 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 552 course of business.

553 (39) (a) "Political issues expenditure" means any of the following when made by a

554 political issues committee or on behalf of a political issues committee by an agent of the

555 reporting entity:

556 (i) any payment from political issues contributions made for the purpose of influencing

557 the approval or the defeat of:

- 558 (A) a ballot proposition; or
- 559 (B) an incorporation petition or incorporation election;

560 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
561 the express purpose of influencing the approval or the defeat of:

562 (A) a ballot proposition; or

563 (B) an incorporation petition or incorporation election;

564 (iii) an express, legally enforceable contract, promise, or agreement to make any
565 political issues expenditure;

566 (iv) compensation paid by a reporting entity for personal services rendered by a person
567 without charge to a political issues committee; or

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

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

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

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

575 (40) "Political purposes" means an act done with the intent or in a way to influence or
576 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
577 against any candidate or a person seeking a municipal or county office at any caucus, political
578 convention, or election.

579 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
580 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
581 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
582 person or by telephone, facsimile, Internet, postal mail, or email.

583 (b) "Poll" does not include:

584 (i) a ballot; or

585 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

586 (A) the focus group consists of more than three, and less than thirteen, individuals; and

587 (B) all individuals in the focus group are present during the interview.

588 (42) "Primary election" means any regular primary election held under the election laws.

589 (43) "Public office" means the office of governor, lieutenant governor, state auditor,
590 state treasurer, attorney general, state school board member, state senator, state representative,

591 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
592 assistant whip of any party caucus in either house of the Legislature.

593 (44) (a) "Public service assistance" means the following when given or provided to an
594 officeholder to defray the costs of functioning in a public office or aid the officeholder to
595 communicate with the officeholder's constituents:

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

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

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

601 (i) anything provided by the state;

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

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

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

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

610 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
611 sharing a common occupation, interest, or association that contribute to a political action
612 committee or political issues committee and whose names can be obtained by contacting the
613 political action committee or political issues committee upon whose financial statement the
614 individuals are listed.

615 (46) "Receipts" means contributions and public service assistance.

616 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
617 Lobbyist Disclosure and Regulation Act.

618 (48) "Registered political action committee" means any political action committee that
619 is required by this chapter to file a statement of organization with the Office of the Lieutenant
620 Governor.

621 (49) "Registered political issues committee" means any political issues committee that is

622 required by this chapter to file a statement of organization with the Office of the Lieutenant
623 Governor.

624 (50) "Registered political party" means an organization of voters that:

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

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

630 (51) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

639 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
640 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
641 action committee, a political issues committee, a corporation, or a labor organization, as defined
642 in Section 20A-11-1501.

643 (53) "School board office" means the office of state school board.

644 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or
645 intangible asset that comprises the contribution.

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

649 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
650 state auditor, and state treasurer.

651 (56) "State office candidate" means a person who:

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

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

656 (57) "Summary report" means the year end report containing the summary of a
657 reporting entity's contributions and expenditures.

658 (58) "Supervisory board" means the individual or group of individuals that allocate
659 expenditures from a political issues committee.

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

661 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
662 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**
663 **Anonymous contributions.**

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

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

669 (i) a personal use expenditure; or

670 (ii) an expenditure prohibited by law.

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

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

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

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

684 for federal office.

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

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

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

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

692 (b) Each state office candidate shall report to the lieutenant governor each contribution
693 and public service assistance received by the state office candidate:

694 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which the
695 contribution or public service assistance is received; or

696 (ii) within three business days after the day on which the contribution or public service
697 assistance is received, if:

698 (A) the state office candidate is contested in a convention and the contribution or public
699 service assistance is received within 30 days before the day on which the convention is held;

700 (B) the state office candidate is contested in a primary election and the contribution or
701 public service assistance is received within 30 days before the day on which the primary election
702 is held; or

703 (C) the state office candidate is contested in a general election and the contribution or
704 public service assistance is received within 30 days before the day on which the general election
705 is held.

706 (c) Except as provided in Subsection (5)(d), for each contribution or provision of public
707 service assistance that a state office candidate fails to report within the time period described in
708 Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate
709 in an amount equal to:

710 (i) the greater of \$50 or 15% of the amount of the contribution; or

711 (ii) the greater of \$50 or 15% of the value of the public service assistance.

712 (d) A fine described in Subsection (5)(c) may not exceed the amount of the contribution
713 or the value of the public service assistance to which the fine relates.

714 (e) The lieutenant governor shall:

- 715 (i) deposit money received under Subsection (5)(c) into the General Fund; and
 716 (ii) report on the lieutenant governor's website, in the location where reports relating to
 717 each state office candidate are available for public access:
- 718 (A) each fine imposed by the lieutenant governor against the state office candidate;
 719 (B) the amount of the fine;
 720 (C) the amount of the contribution to which the fine relates; and
 721 (D) the date of the contribution.
- 722 (6) (a) As used in this Subsection (6), "account" means an account in a financial
 723 institution:
- 724 (i) that is not described in Subsection (1)(a); and
 725 (ii) into which or from which a person who, as a candidate for an office, other than the
 726 state office for which the person files a declaration of candidacy or federal office, or as a holder
 727 of an office, other than a state office for which the person files a declaration of candidacy or
 728 federal office, deposits a contribution or makes an expenditure.
- 729 (b) A state office candidate shall include on any financial statement filed in accordance
 730 with this part:
- 731 (i) a contribution deposited in an account:
 732 (A) since the last campaign finance statement was filed; or
 733 (B) that has not been reported under a statute or ordinance that governs the account; or
 734 (ii) an expenditure made from an account:
 735 (A) since the last campaign finance statement was filed; or
 736 (B) that has not been reported under a statute or ordinance that governs the account.
- 737 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
 738 exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount
 739 of the contribution to:
- 740 (a) the treasurer of the state or a political subdivision for deposit into the state's or
 741 political subdivision's general fund; or
- 742 (b) an organization that is exempt from federal income taxation under Section
 743 501(c)(3), Internal Revenue Code.
- 744 Section 5. Section **20A-11-301** is amended to read:
 745 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

746 **Candidate as a political action committee officer -- No personal use -- Contribution**
747 **reporting deadline -- Report other accounts -- Anonymous contributions.**

748 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public
749 service assistance received in one or more separate accounts in a financial institution that are
750 dedicated only to that purpose.

751 (ii) A legislative office candidate may:

752 (A) receive a contribution or public service assistance from a political action committee
753 registered under Section 20A-11-601; and

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

756 (b) A legislative office candidate or the candidate's personal campaign committee may
757 not use money deposited in an account described in Subsection (1)(a)(i) for:

758 (i) a personal use expenditure; or

759 (ii) an expenditure prohibited by law.

760 (2) A legislative office candidate may not deposit or mingle any contributions or public
761 service assistance received into a personal or business account.

762 (3) If a person who is no longer a legislative candidate chooses not to expend the
763 money remaining in a campaign account, the person shall continue to file the year-end summary
764 report required by Section 20A-11-302 until the statement of dissolution and final summary
765 report required by Section 20A-11-304 are filed with the lieutenant governor.

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

770 (b) A person who is no longer a legislative office candidate may transfer the money in a
771 campaign account in a manner that would cause the former legislative office candidate to
772 recognize the money as taxable income under federal tax law if the transfer is made to a
773 campaign account for federal office.

774 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

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

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

779 (iii) for any other type of contribution, that any portion of the contribution's benefit
780 inures to the legislative office candidate.

781 (b) Each legislative office candidate shall report to the lieutenant governor each
782 contribution and public service assistance received by the legislative office candidate:

783 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which the
784 contribution or public service assistance is received; or

785 (ii) within three business days after the day on which the contribution or public service
786 assistance is received, if:

787 (A) the legislative office candidate is contested in a convention and the contribution or
788 public service assistance is received within 30 days before the day on which the convention is
789 held;

790 (B) the legislative office candidate is contested in a primary election and the
791 contribution or public service assistance is received within 30 days before the day on which the
792 primary election is held; or

793 (C) the legislative office candidate is contested in a general election and the contribution
794 or public service assistance is received within 30 days before the day on which the general
795 election is held.

796 (c) Except as provided in Subsection (5)(d), for each contribution or provision of public
797 service assistance that a legislative office candidate fails to report within the time period
798 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the legislative
799 office candidate in an amount equal to:

800 (i) the greater of \$50 or 15% of the amount of the contribution; or

801 (ii) the greater of \$50 or 15% of the value of the public service assistance.

802 (d) A fine described in Subsection (5)(c) may not exceed the amount of the contribution
803 or the value of the public service assistance to which the fine relates.

804 (e) The lieutenant governor shall:

805 (i) deposit money received under Subsection (5)(c) into the General Fund; and

806 (ii) report on the lieutenant governor's website, in the location where reports relating to
807 each legislative office candidate are available for public access:

- 808 (A) each fine imposed by the lieutenant governor against the legislative office candidate;
 809 (B) the amount of the fine;
 810 (C) the amount of the contribution to which the fine relates; and
 811 (D) the date of the contribution.

812 (6) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
 813 exceeds \$50, and is from an unknown source, a legislative office candidate shall disburse the
 814 amount of the contribution to:

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

817 (b) an organization that is exempt from federal income taxation under Section
 818 501(c)(3), Internal Revenue Code.

819 [~~(6)~~] (7) (a) As used in this Subsection [~~(6)~~] (7), "account" means an account in a
 820 financial institution:

- 821 (i) that is not described in Subsection (1)(a)(i); and
 822 (ii) into which or from which a person who, as a candidate for an office, other than a
 823 legislative office for which the person files a declaration of candidacy or federal office, or as a
 824 holder of an office, other than a legislative office for which the person files a declaration of
 825 candidacy or federal office, deposits a contribution or makes an expenditure.

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

- 828 (i) a contribution deposited in an account:
 829 (A) since the last campaign finance statement was filed; or
 830 (B) that has not been reported under a statute or ordinance that governs the account; or
 831 (ii) an expenditure made from an account:
 832 (A) since the last campaign finance statement was filed; or
 833 (B) that has not been reported under a statute or ordinance that governs the account.

834 Section 6. Section **20A-11-401** is amended to read:

835 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
 836 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
 837 **or public service assistance.**

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

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

843 (i) this section; and

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

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

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

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

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

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

855 (v) for each nonmonetary contribution:

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

858 (B) a specific description of the contribution;

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

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

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

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

865 (b) (i) For all individual contributions or public service assistance of \$50 or less, a single
866 aggregate figure may be reported without separate detailed listings.

867 (ii) Two or more contributions from the same source that have an aggregate total of
868 more than \$50 may not be reported in the aggregate, but shall be reported separately.

869 (c) In preparing the report, all receipts and expenditures shall be reported as of

870 December 31 of the previous year.

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

875 (4) An officeholder may:

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

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

880 (5) Within 30 days after receiving a contribution or public service assistance that is cash
881 or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder shall
882 disburse the amount of the contribution or public service assistance to:

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

885 (b) an organization that is exempt from federal income taxation under Section
886 501(c)(3), Internal Revenue Code.

887 Section 7. Section **20A-11-505.7** is amended to read:

888 **20A-11-505.7. Separate account for contributions for registered political party --**
889 **Anonymous contributions to registered political party or county political party.**

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

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

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

896 (a) is cash or a negotiable instrument;

897 (b) exceeds \$50; and

898 (c) is from an unknown source.

899 Section 8. Section **20A-11-602** is amended to read:

900 **20A-11-602. Political action committees -- Financial reporting.**

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

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

906 (ii) seven days before the state political convention of each major political party;

907 (iii) seven days before the regular primary election date;

908 (iv) on August 31; and

909 (v) seven days before:

910 (A) the municipal general election; and

911 (B) the regular general election date.

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

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

915 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
916 contributions and expenditures as of five days before the required filing date of the financial
917 statement.

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

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

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

923 (ii) the identification of any publicly identified class of individuals that makes a
924 contribution to the reporting political action committee, if known, and the amount of the
925 contribution;

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

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

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

- 932 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 933 (vii) the total amount of contributions received and expenditures disbursed by the
934 reporting political action committee;
- 935 (viii) a statement by the political action committee's treasurer or chief financial officer
936 certifying that, to the best of the person's knowledge, the financial report is accurate; and
- 937 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 938 (A) beginning balance;
- 939 (B) total contributions during the period since the last statement;
- 940 (C) total contributions to date;
- 941 (D) total expenditures during the period since the last statement; and
- 942 (E) total expenditures to date.
- 943 (b) (i) Contributions received by a political action committee that have a value of \$50 or
944 less need not be reported individually, but shall be listed on the report as an aggregate total.
- 945 (ii) Two or more contributions from the same source that have an aggregate total of
946 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 947 (3) A group or entity may not divide or separate into units, sections, or smaller groups
948 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
949 shall prevail over form in determining the scope or size of a political action committee.
- 950 (4) (a) As used in this Subsection (4), "received" means:
- 951 (i) for a cash contribution, that the cash is given to a political action committee;
- 952 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
953 instrument or check is negotiated; and
- 954 (iii) for any other type of contribution, that any portion of the contribution's benefit
955 inures to the political action committee.
- 956 (b) A political action committee shall report each contribution to the lieutenant
957 governor within 30 days after the contribution is received.
- 958 (5) A political action committee may not expend a contribution for political purposes if
959 the contribution:
- 960 (a) is cash or a negotiable instrument;
- 961 (b) exceeds \$50; and
- 962 (c) is from an unknown source.

963 Section 9. Section **20A-11-802** is amended to read:

964 **20A-11-802. Political issues committees -- Financial reporting.**

965 (1) (a) Each registered political issues committee that has received political issues
966 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
967 \$50, during a calendar year, shall file a verified financial statement with the lieutenant governor's
968 office:

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

971 (ii) seven days before the state political convention of each major political party;

972 (iii) seven days before the regular primary election date;

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

975 (v) at least three days before the first public hearing held as required by Section
976 20A-7-204.1;

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

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

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

981 (vii) on August 31; and

982 (viii) seven days before:

983 (A) the municipal general election; and

984 (B) the regular general election.

985 (b) The political issues committee shall report:

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

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

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

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

993 (i) the name and address, if known, of any individual that makes a political issues

- 994 contribution to the reporting political issues committee, and the amount of the political issues
995 contribution;
- 996 (ii) the identification of any publicly identified class of individuals that makes a political
997 issues contribution to the reporting political issues committee, and the amount of the political
998 issues contribution;
- 999 (iii) the name and address, if known, of any political issues committee, group, or entity
1000 that makes a political issues contribution to the reporting political issues committee, and the
1001 amount of the political issues contribution;
- 1002 (iv) the name and address of each reporting entity that makes a political issues
1003 contribution to the reporting political issues committee, and the amount of the political issues
1004 contribution;
- 1005 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1006 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1007 entity, or group of individuals or entities that received a political issues expenditure of more
1008 than \$50 from the reporting political issues committee, and the amount of each political issues
1009 expenditure;
- 1010 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1011 (viii) the total amount of political issues contributions received and political issues
1012 expenditures disbursed by the reporting political issues committee;
- 1013 (ix) a statement by the political issues committee's treasurer or chief financial officer
1014 certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- 1015 (x) a summary page in the form required by the lieutenant governor that identifies:
- 1016 (A) beginning balance;
- 1017 (B) total contributions during the period since the last statement;
- 1018 (C) total contributions to date;
- 1019 (D) total expenditures during the period since the last statement; and
- 1020 (E) total expenditures to date.
- 1021 (b) (i) Political issues contributions received by a political issues committee that have a
1022 value of \$50 or less need not be reported individually, but shall be listed on the report as an
1023 aggregate total.
- 1024 (ii) Two or more political issues contributions from the same source that have an

1025 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1026 separately.

1027 (c) When reporting political issue expenditures made to circulators of initiative
1028 petitions, the political issues committee:

1029 (i) need only report the amount paid to each initiative petition circulator; and

1030 (ii) need not report the name or address of the circulator.

1031 (3) (a) As used in this Subsection (3), "received" means:

1032 (i) for a cash contribution, that the cash is given to a political issues committee;

1033 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1034 instrument or check is negotiated; and

1035 (iii) for any other type of contribution, that any portion of the contribution's benefit
1036 inures to the political issues committee.

1037 (b) A political issues committee shall report each contribution to the lieutenant
1038 governor within 30 days after the contribution is received.

1039 (4) A political issues committee may not expend a contribution for a political issues
1040 expenditure if the contribution:

1041 (a) is cash or a negotiable instrument;

1042 (b) exceeds \$50; and

1043 (c) is from an unknown source.

1044 Section 10. Section **20A-11-904** is amended to read:

1045 **20A-11-904. Contribution given in another's name and anonymous contributions**
1046 **prohibited.**

1047 A person may not:

1048 (1) make a contribution in the name of another;

1049 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]

1050 (3) knowingly accept a contribution made by one person in the name of another[-]; or

1051 (4) make a contribution without disclosing the person's name if the contribution:

1052 (a) is cash or a negotiable instrument; and

1053 (b) exceeds \$50.

1054 Section 11. Section **20A-11-1301** is amended to read:

1055 **20A-11-1301. School board office candidate -- Campaign finance requirements --**

1056 **Candidate as a political action committee officer -- No personal use -- Contribution**
1057 **reporting deadline -- Report other accounts -- Anonymous contributions.**

1058 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1059 service assistance received in one or more separate accounts in a financial institution that are
1060 dedicated only to that purpose.

1061 (ii) A school board office candidate may:

1062 (A) receive a contribution or public service assistance from a political action committee
1063 registered under Section 20A-11-601; and

1064 (B) be designated by a political action committee as an officer who has primary
1065 decision-making authority as described in Section 20A-11-601.

1066 (b) A school board office candidate may not use money deposited in an account
1067 described in Subsection (1)(a)(i) for:

1068 (i) a personal use expenditure; or

1069 (ii) an expenditure prohibited by law.

1070 (2) A school board office candidate may not deposit or mingle any contributions or
1071 public service assistance received into a personal or business account.

1072 (3) A school board office candidate may not make any political expenditures prohibited
1073 by law.

1074 (4) If a person who is no longer a school board candidate chooses not to expend the
1075 money remaining in a campaign account, the person shall continue to file the year-end summary
1076 report required by Section 20A-11-1302 until the statement of dissolution and final summary
1077 report required by Section 20A-11-1304 are filed with the lieutenant governor.

1078 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1079 is no longer a school board candidate may not expend or transfer the money in a campaign
1080 account in a manner that would cause the former school board candidate to recognize the
1081 money as taxable income under federal tax law.

1082 (b) A person who is no longer a school board candidate may transfer the money in a
1083 campaign account in a manner that would cause the former school board candidate to recognize
1084 the money as taxable income under federal tax law if the transfer is made to a campaign account
1085 for federal office.

1086 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1087 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1088 member of the candidate's personal campaign committee;

1089 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1090 instrument or check is negotiated; and

1091 (iii) for any other type of contribution, that any portion of the contribution's benefit
1092 inures to the school board office candidate.

1093 (b) Each school board office candidate shall report to the chief election officer each
1094 contribution and public service assistance received by the school board office candidate:

1095 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which the
1096 contribution or public service assistance is received; or

1097 (ii) within three business days after the day on which the contribution or public service
1098 assistance is received, if:

1099 (A) the school board office candidate is contested in a primary election and the
1100 contribution or public service assistance is received within 30 days before the day on which the
1101 primary election is held; or

1102 (B) the school board office candidate is contested in a general election and the
1103 contribution or public service assistance is received within 30 days before the day on which the
1104 general election is held.

1105 (c) Except as provided in Subsection (6)(d), for each contribution or provision of public
1106 service assistance that a school board office candidate fails to report within the time period
1107 described in Subsection (6)(b), the chief election officer shall impose a fine against the school
1108 board office candidate in an amount equal to:

1109 (i) the greater of \$50 or 15% of the amount of the contribution; or

1110 (ii) the greater of \$50 or 15% of the value of the public service assistance.

1111 (d) A fine described in Subsection (6)(c) may not exceed the amount of the contribution
1112 or the value of the public service assistance to which the fine relates.

1113 (e) The chief election officer shall:

1114 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1115 (ii) report on the chief election officer's website, in the location where reports relating
1116 to each school board office candidate are available for public access:

1117 (A) each fine imposed by the chief election officer against the school board office

1118 candidate;

1119 (B) the amount of the fine;

1120 (C) the amount of the contribution to which the fine relates; and

1121 (D) the date of the contribution.

1122 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
1123 exceeds \$50, and is from an unknown source, a school board office candidate shall disburse the
1124 contribution to:

1125 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1126 political subdivision's general fund; or

1127 (b) an organization that is exempt from federal income taxation under Section
1128 501(c)(3), Internal Revenue Code.

1129 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a
1130 financial institution:

1131 (i) that is not described in Subsection (1)(a)(i); and

1132 (ii) into which or from which a person who, as a candidate for an office, other than a
1133 school board office for which the person files a declaration of candidacy or federal office, or as
1134 a holder of an office, other than a school board office for which the person files a declaration of
1135 candidacy or federal office, deposits a contribution or makes an expenditure.

1136 (b) A school board office candidate shall include on any financial statement filed in
1137 accordance with this part:

1138 (i) a contribution deposited in an account:

1139 (A) since the last campaign finance statement was filed; or

1140 (B) that has not been reported under a statute or ordinance that governs the account; or

1141 (ii) an expenditure made from an account:

1142 (A) since the last campaign finance statement was filed; or

1143 (B) that has not been reported under a statute or ordinance that governs the account.

1144 Section 12. Section **20A-12-301** is amended to read:

1145 **20A-12-301. Definitions.**

1146 As used in this part:

1147 (1) (a) "Contribution" means any of the following when done for political purposes:

1148 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of

- 1149 value given to the judge or the judge's personal campaign committee;
- 1150 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 1151 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 1152 anything of value to the judge or the judge's personal campaign committee;
- 1153 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
- 1154 the judge's personal campaign committee;
- 1155 (iv) compensation paid by any person or reporting entity other than the judge or the
- 1156 judge's personal campaign committee for personal services provided without charge to the judge
- 1157 or the judge's personal campaign committee; and
- 1158 (v) goods or services provided to or for the benefit of the judge or the judge's personal
- 1159 campaign committee at less than fair market value.
- 1160 (b) "Contribution" does not include:
- 1161 (i) services provided without compensation by individuals volunteering a portion or all
- 1162 of their time on behalf of the judge or the judge's personal campaign committee; or
- 1163 (ii) money lent to the judge or the judge's personal campaign committee by a financial
- 1164 institution in the ordinary course of business.
- 1165 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 1166 organization that is registered as a corporation or is authorized to do business in a state and
- 1167 makes any expenditure from corporate funds for political purposes.
- 1168 (b) "Corporation" does not mean:
- 1169 (i) a business organization's political action committee as defined in Section
- 1170 20A-11-101 or political issues committee as defined in Section 20A-11-101; or
- 1171 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1172 (3) "Detailed listing" means:
- 1173 (a) for each contribution:
- 1174 (i) the name and address of the individual or source making the contribution, to the
- 1175 extent that the name or address of the individual or source is known;
- 1176 (ii) the amount or value of the contribution; and
- 1177 (iii) the date the contribution was made; and
- 1178 (b) for each expenditure:
- 1179 (i) the amount of the expenditure;

- 1180 (ii) the person or entity to whom it was disbursed;
- 1181 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1182 (iv) the date the expenditure was made.
- 1183 (4) (a) "Expenditure" means:
- 1184 (i) any disbursement from contributions or from the separate bank account required by
- 1185 this chapter;
- 1186 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1187 or anything of value made for political purposes;
- 1188 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1189 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1190 value for political purposes;
- 1191 (iv) compensation paid by a corporation or reporting entity for personal services
- 1192 rendered by a person without charge to the judge or the judge's personal campaign committee;
- 1193 (v) a transfer of funds between the judge's personal campaign committee and another
- 1194 judge's personal campaign committee; or
- 1195 (vi) goods or services provided by the judge's personal campaign committee to or for
- 1196 the benefit of another judge for political purposes at less than fair market value.
- 1197 (b) "Expenditure" does not include:
- 1198 (i) services provided without compensation by individuals volunteering a portion or all
- 1199 of their time on behalf of the judge or judge's personal campaign committee; or
- 1200 (ii) money lent to a judge's personal campaign committee by a financial institution in the
- 1201 ordinary course of business.
- 1202 (5) "Individual" means a natural person.
- 1203 (6) "Interim report" means a report identifying the contributions received and
- 1204 expenditures made since the last report.
- 1205 (7) "Personal campaign committee" means the committee appointed by a judge to act
- 1206 for the judge as provided in this chapter.
- 1207 (8) "Political purposes" means an act done with the intent or in a way to influence or
- 1208 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 1209 against any judge standing for retention at any election.
- 1210 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,

1211 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1212 action committee, and a political issues committee.

1213 (10) "Summary report" means the year-end report containing the summary of a
1214 reporting entity's contributions and expenditures.

1215 Section 13. Section **20A-12-303** is amended to read:

1216 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1217 (1) The judge or the judge's personal campaign committee shall deposit each
1218 contribution in one or more separate personal campaign accounts in a financial institution.

1219 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1220 any contributions received into a personal or business account.

1221 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

1222 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1223 campaign committee;

1224 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1225 instrument or check is negotiated; and

1226 (iii) for any other type of contribution, that any portion of the contribution's benefit
1227 inures to the judge.

1228 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1229 governor each contribution received by the judge, within 30 days after the day on which the
1230 contribution is received.

1231 (c) Except as provided in Subsection (3)(d), for each contribution that a judge fails to
1232 report within the time period described in Subsection (3)(b), the lieutenant governor shall
1233 impose a fine against the judge in an amount equal to the greater of \$50 or 15% of the amount
1234 of the contribution.

1235 (d) A fine described in Subsection (3)(c) may not exceed the amount of the contribution
1236 to which the fine relates.

1237 (e) The lieutenant governor shall:

1238 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1239 (ii) report on the lieutenant governor's website, in the location where reports relating to
1240 each judge are available for public access:

1241 (A) each fine imposed by the lieutenant governor against the judge;

- 1242 (B) the amount of the fine;
- 1243 (C) the amount of the contribution to which the fine relates; and
- 1244 (D) the date of the contribution.
- 1245 (4) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 1246 exceeds \$50, and is from an unknown source, a judge or the judge's personal campaign
- 1247 committee shall disburse the amount of the contribution to:
- 1248 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 1249 political subdivision's general fund; or
- 1250 (b) an organization that is exempt from federal income taxation under Section
- 1251 501(c)(3), Internal Revenue Code.

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