

Representative Ben C. Ferry proposes the following substitute bill:

CAMPAIGN FINANCE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements and Title 20A, Chapter 12, Selection and Election of Judges.

Highlighted Provisions:

This bill:

- ▶ enacts, amends, and repeals definitions;
- ▶ requires a filing entity to electronically file a financial statement;
- ▶ requires the lieutenant governor to post a financial statement online in a searchable format within a certain amount of time;
- ▶ requires contributions over \$1,000 to be reported within a certain amount of time before an election;
- ▶ prohibits cash contributions in excess of \$100;
- ▶ requires checks to be negotiated and reported in an interim or summary report;
- ▶ imposes a fine for failure to file a timely financial statement;
- ▶ repeals provisions relating to the removal of a candidate for failure to file a timely financial statement;
- ▶ requires a person sponsoring certain electioneering communications to file a report;
- ▶ repeals a provision requiring a political action committee or political issues



- 26 committee to disclose the occupation of a person who makes a contribution;
- 27 ▶ establishes additional filing deadlines for some filing entities;
- 28 ▶ requires a corporation to disclose certain contracts with the state;
- 29 ▶ prohibits earmarking contributions made to a political party or a political action
- 30 committee;
- 31 ▶ prohibits making a campaign contribution in another's name;
- 32 ▶ repeals provisions that allow the aggregate reporting of contributions less than \$50;
- 33 ▶ requires a filing entity to report an expenditure:
- 34 • made by a vendor on the filing entity's behalf; and
- 35 • for transactions on a financial transaction card;
- 36 ▶ establishes reporting requirements for labor organizations; and
- 37 ▶ makes technical changes.

38 **Monies Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 This bill takes effect on January 1, 2011.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361
- 45 **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 46 **20A-11-201**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 47 **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361
- 48 **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361
- 49 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202
- 50 **20A-11-301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 51 **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361
- 52 **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361
- 53 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202
- 54 **20A-11-401**, as last amended by Laws of Utah 2009, Chapter 361
- 55 **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355
- 56 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225

- 57 **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14
- 58 **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14
- 59 **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 60 **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14
- 61 **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14
- 62 **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14
- 63 **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355
- 64 **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 65 **20A-11-901**, as enacted by Laws of Utah 1995, Chapter 1
- 66 **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355
- 67 **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317
- 68 **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 69 **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361
- 70 **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361
- 71 **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14
- 72 **20A-11-1402**, as last amended by Laws of Utah 2004, Chapter 220
- 73 **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166
- 74 **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14
- 75 **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166
- 76 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

77 ENACTS:

- 78 **20A-11-104**, Utah Code Annotated 1953
- 79 **20A-11-509**, Utah Code Annotated 1953
- 80 **20A-11-510**, Utah Code Annotated 1953
- 81 **20A-11-604**, Utah Code Annotated 1953
- 82 **20A-11-904**, Utah Code Annotated 1953
- 83 **20A-11-1005**, Utah Code Annotated 1953
- 84 **20A-11-1501**, Utah Code Annotated 1953
- 85 **20A-11-1502**, Utah Code Annotated 1953

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

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

89 **20A-11-101. Definitions.**

90 As used in this chapter:

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

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

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

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

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

101 (4) "Cash" means currency or coinage that constitutes legal tender.

102 [~~(4)~~] (5) "Chief election officer" means:

103 (a) the lieutenant governor for state office candidates, legislative office candidates,
104 officeholders, political parties, political action committees, corporations, political issues
105 committees, [~~and~~] state school board candidates, judges, and labor organizations; and

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

107 [~~(5) "Continuing political party" means an organization of voters that participated in
108 the last regular general election and polled a total vote equal to 2% or more of the total votes
109 cast for all candidates for the United States House of Representatives.]~~

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

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

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

116 (iii) any transfer of funds from another reporting entity [~~or a corporation~~] to the filing
117 entity;

118 (iv) compensation paid by any person or reporting entity other than the filing entity for

119 personal services provided without charge to the filing entity;

120 (v) remuneration from:

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

122 [~~to compensate a legislator for a loss of salary or income while the Legislature is in session~~]; or

123 [~~(vi) salaries or other remuneration paid to a legislator by~~]

124 (B) any agency or subdivision of the state, including school districts~~[, for the period~~

125 ~~the Legislature is in session]~~; and

126 [~~(vii)~~] (vi) goods or services provided to or for the benefit of the filing entity at less

127 than fair market value.

128 (b) "Contribution" does not include:

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

130 of their time on behalf of the filing entity;

131 (ii) money lent to the filing entity by a financial institution in the ordinary course of

132 business; or

133 (iii) goods or services provided for the benefit of a candidate or political party at less

134 than fair market value that are not authorized by or coordinated with the candidate or political

135 party.

136 (7) "Coordinated with" means that goods or services provided for the benefit of a

137 candidate or political party are provided:

138 (a) with the candidate's or political party's prior knowledge, if the candidate or political

139 party does not object;

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

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

142 (d) using official logos, slogans, and similar elements belonging to a candidate or

143 political party.

144 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

145 organization that is registered as a corporation or is authorized to do business in a state and

146 makes any expenditure from corporate funds for:

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

148 (ii) the purpose of expressly advocating the approval or the defeat of any ballot

149 proposition.

- 150 (b) "Corporation" does not mean:
- 151 (i) a business organization's political action committee or political issues committee; or
- 152 (ii) a business entity organized as a partnership or a sole proprietorship.
- 153 (9) "Detailed listing" means:
- 154 (a) for each contribution or public service assistance:
- 155 (i) the name and address of the individual or source making the contribution or public
- 156 service assistance;
- 157 (ii) the amount or value of the contribution or public service assistance; and
- 158 (iii) the date the contribution or public service assistance was made; [~~and~~]
- 159 (b) for each expenditure:
- 160 (i) the amount of the expenditure;
- 161 (ii) the person or entity to whom [it] the expenditure was disbursed, including a
- 162 transaction on a financial transaction card, as defined in Section 76-6-506;
- 163 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 164 (iv) the date the expenditure was made[-]; and
- 165 (c) for each expenditure made by a vendor that benefits the filing entity:
- 166 (i) the amount of the expenditure;
- 167 (ii) the person or entity to whom the expenditure was disbursed;
- 168 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 169 (iv) the date the expenditure was made.
- 170 (10) "Election" means each:
- 171 (a) regular general election;
- 172 (b) regular primary election; and
- 173 (c) special election at which candidates are eliminated and selected.
- 174 (11) "Electioneering communication" means a communication that:
- 175 (a) has at least a value of \$10,000;
- 176 (b) clearly identifies a candidate or judge; and
- 177 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 178 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 179 identified candidate's or judge's election date.
- 180 [~~(H)~~] (12) (a) "Expenditure" means:

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

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

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

188 (iv) compensation paid by ~~a corporation or~~ a filing entity for personal services
189 rendered by a person without charge to a reporting entity;

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

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

194 (b) "Expenditure" does not include:

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

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

199 (iii) anything listed in Subsection ~~[(11)]~~ (12)(a) that is given by ~~a corporation or~~ a
200 reporting entity to candidates for office or officeholders in states other than Utah.

201 ~~[(12)]~~ (13) "Filing entity" means the reporting entity that is ~~filing~~ required to file a
202 financial statement required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention
203 Elections.

204 ~~[(13)]~~ (14) "Financial statement" includes any summary report, interim report, verified
205 financial statement, or other statement disclosing contributions, expenditures, receipts,
206 donations, or disbursements that is required by this chapter or Title 20A, Chapter 12, Part 2,
207 Judicial Retention Elections.

208 ~~[(14)]~~ (15) "Governing board" means the individual or group of individuals that
209 determine the candidates and committees that will receive expenditures from a political action
210 committee, political party, or corporation.

211 ~~[(15)]~~ (16) "Incorporation" means the process established by Title 10, Chapter 2, Part

212 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

213 [~~(16)~~] (17) "Incorporation election" means the election authorized by Section 10-2-111.

214 [~~(17)~~] (18) "Incorporation petition" means a petition authorized by Section 10-2-109.

215 [~~(18)~~] (19) "Individual" means a natural person.

216 [~~(19)~~] (20) "Interim report" means a report identifying the contributions received and
217 expenditures made since the last report.

218 (21) (a) "Labor organization" means a lawful organization of any kind that is
219 composed, in whole or in part, of employees and that exists for the purpose, in whole or in part,
220 of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of
221 employment, or other terms and conditions of employment.

222 (b) Except as provided in Subsection (21)(c), "labor organization" includes each
223 employee association and union for employees of public and private sector employers.

224 (c) "Labor organization" does not include organizations governed by the National
225 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
226 et seq.

227 [~~(20)~~] (22) "Legislative office" means the office of state senator, state representative,
228 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
229 assistant whip of any party caucus in either house of the Legislature.

230 [~~(21)~~] (23) "Legislative office candidate" means a person who:

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

232 (b) declares himself to be a candidate for, or actively campaigns for, the position of
233 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
234 assistant whip of any party caucus in either house of the Legislature; [~~and~~] or

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

238 [~~(22)~~] ~~"Newly registered political party" means an organization of voters that has~~
239 ~~complied with the petition and organizing procedures of this chapter to become a registered~~
240 ~~political party.]~~

241 [~~(23)~~] (24) "Officeholder" means a person who holds a public office.

242 [~~(24)~~] (25) "Party committee" means any committee organized by or authorized by the

243 governing board of a registered political party.

244 ~~[(25)]~~ (26) "Person" means both natural and legal persons, including individuals,
245 business organizations, personal campaign committees, party committees, political action
246 committees, political issues committees, labor unions, and labor organizations.

247 ~~[(26)]~~ (27) "Personal campaign committee" means the committee appointed by a
248 candidate to act for the candidate as provided in this chapter.

249 ~~[(27)]~~ (28) (a) "Political action committee" means an entity, or any group of
250 individuals or entities within or outside this state, a major purpose of which is to:

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

253 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
254 vote for or against any candidate ~~[for]~~ or person seeking election to a municipal or county
255 office.

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

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

260 (i) a party committee;

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

263 (iii) an individual;

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

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

268 (vi) a personal campaign committee.

269 ~~[(28)]~~ (29) "Political convention" means a county or state political convention held by
270 a registered political party to select candidates.

271 ~~[(29)]~~ (30) (a) "Political issues committee" means an entity, or any group of individuals
272 or entities within or outside this state, a major purpose of which is to:

273 (i) solicit or receive donations from any other person, group, or entity to assist in

274 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
275 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

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

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

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

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

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

285 (iii) an individual;

286 (iv) individuals who are related and who make contributions from a joint checking
287 account; or

288 (v) a corporation, except a corporation a major purpose of which is to act as a political
289 issues committee.

290 [~~30~~] (31) (a) "Political issues contribution" means any of the following:

291 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
292 anything of value given to a political issues committee;

293 (ii) an express, legally enforceable contract, promise, or agreement to make a political
294 issues donation to influence the approval or defeat of any ballot proposition;

295 (iii) any transfer of funds received by a political issues committee from a reporting
296 entity;

297 (iv) compensation paid by another reporting entity for personal services rendered
298 without charge to a political issues committee; and

299 (v) goods or services provided to or for the benefit of a political issues committee at
300 less than fair market value.

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

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

304 (ii) money lent to a political issues committee by a financial institution in the ordinary

305 course of business.

306 [~~(31)~~] (32) (a) "Political issues expenditure" means any of the following:

307 (i) any payment from political issues contributions made for the purpose of influencing
308 the approval or the defeat of:

309 (A) a ballot proposition; or

310 (B) an incorporation petition or incorporation election;

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

313 (A) a ballot proposition; or

314 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

326 [~~(32)~~] (33) "Political purposes" means an act done with the intent or in a way to
327 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
328 for or against any candidate [~~for public office~~] or a person seeking a municipal or county office
329 at any caucus, political convention, [~~primary,~~] or election.

330 [~~(33)~~] (34) "Primary election" means any regular primary election held under the
331 election laws.

332 [~~(34)~~] (35) "Public office" means the office of governor, lieutenant governor, state
333 auditor, state treasurer, attorney general, state or local school board member, state senator, state
334 representative, speaker of the House of Representatives, president of the Senate, and the leader,
335 whip, and assistant whip of any party caucus in either house of the Legislature.

336 [~~(35)~~] (36) (a) "Public service assistance" means the following when given or provided
337 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
338 communicate with the officeholder's constituents:

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

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

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

344 (i) anything provided by the state;

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

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

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

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

353 [~~(36)~~] (37) "Publicly identified class of individuals" means a group of 50 or more
354 individuals sharing a common occupation, interest, or association that contribute to a political
355 action committee or political issues committee and whose names can be obtained by contacting
356 the political action committee or political issues committee upon whose financial [~~report they~~]
357 statement the individuals are listed.

358 [~~(37)~~] (38) "Receipts" means contributions and public service assistance.

359 [~~(38)~~] (39) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
360 Lobbyist Disclosure and Regulation Act.

361 [~~(39)~~] (40) "Registered political action committee" means any political action
362 committee that is required by this chapter to file a statement of organization with the lieutenant
363 governor's office.

364 [~~(40)~~] (41) "Registered political issues committee" means any political issues
365 committee that is required by this chapter to file a statement of organization with the lieutenant
366 governor's office.

367 ~~[(41)]~~ (42) "Registered political party" means an organization of voters that:

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

371 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter
372 8, Political Party Formation and Procedures.

373 ~~(43)~~ (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

382 ~~[(42)]~~ (44) "Reporting entity" means a candidate, a candidate's personal campaign
383 committee, a judge, a judge's personal campaign committee, an officeholder, a party
384 committee, a political action committee, ~~[and]~~ a political issues committee, a corporation, or a
385 labor organization.

386 ~~[(43)]~~ (45) "School board office" means the office of state school board or local school
387 board.

388 ~~[(44)]~~ (46) (a) "Source" means the person or entity that is the legal owner of the
389 tangible or intangible asset that comprises the contribution.

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

393 ~~[(45)]~~ (47) "State office" means the offices of governor, lieutenant governor, attorney
394 general, state auditor, and state treasurer.

395 ~~[(46)]~~ (48) "State office candidate" means a person who:

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

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

398 receive contributions or make expenditures to bring about the person's nomination or election
399 to a state office.

400 ~~[(47)]~~ (49) "Summary report" means the year end report containing the summary of a
401 reporting entity's contributions and expenditures.

402 ~~[(48)]~~ (50) "Supervisory board" means the individual or group of individuals that
403 allocate expenditures from a political issues committee.

404 (51) "Vendor" means a person who is paid in excess of \$1,000 within one year by a
405 filing entity to contract with another person on the filing entity's behalf to provide a good or
406 service for the benefit of a filing entity.

407 Section 2. Section **20A-11-103** is amended to read:

408 **20A-11-103. Notice of pending interim and summary reports -- Form of**
409 **submission -- Public availability -- Notice of local filings.**

410 (1) (a) Except as provided under Subsection (1)(b), 10 days before ~~[a financial~~
411 ~~statement from a state office candidate, legislative office candidate, officeholder, state school~~
412 ~~board candidate, political party, political action committee, political issues committee, or~~
413 ~~judge]~~ an interim report or summary report is due under this chapter[;] or Chapter 12, Part 2,
414 Judicial Retention Elections, the ~~[lieutenant governor]~~ chief election officer shall inform ~~[those~~
415 ~~candidates, officeholders, parties, committees, and judges]~~ the filing entity by postal mail or, if
416 requested by the ~~[candidate, officeholder, party, committee, or judge]~~ filing entity, by electronic
417 mail:

418 (i) that the financial statement is due;

419 (ii) of the date that the financial statement is due; and

420 (iii) of the penalty for failing to file the financial statement.

421 ~~[(iii) if the notification is sent to a judge in reference to the interim report due before~~
422 ~~the regular general election, or to a candidate in reference to an interim report due before the~~
423 ~~regular primary election, on August 31, or before the regular general election, that if the report~~
424 ~~is not timely filed, voters will be informed that the candidate or judge has been disqualified and~~
425 ~~any votes cast for the candidate or judge will not be counted;]~~

426 ~~[(iv) if the notification is sent to a political party, political action committee, or~~

427 ~~political issues committee in reference to an interim report or a verified financial statement,~~

428 ~~that the entity may be guilty of a class B misdemeanor for failing to file the report or statement;~~

429 and]

430 [~~(v) if the notification is in reference to a summary report, that the candidate,~~
431 ~~officeholder, party, committee, or judge may be guilty of a class B misdemeanor for failing to~~
432 ~~file the report.]~~

433 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the
434 [~~lieutenant governor~~] chief election officer is not required to provide notice:

435 (i) to a candidate of the financial statement that is due before the candidate's political
436 convention; or

437 (ii) of a financial statement due in connection with a public hearing for an initiative
438 under the requirements of Section 20A-7-204.1.

439 [~~(c) Ten days before an interim or summary report from a local school board candidate~~
440 ~~is due under this chapter, the county clerk shall inform the candidate by postal mail or, if~~
441 ~~requested, by electronic mail:]~~

442 [~~(i) that the report is due;~~]

443 [~~(ii) the date that the report is due;~~]

444 [~~(iii) if the notification is in reference to an interim report due before the regular~~
445 ~~primary election, on August 31, or before the regular general election, that, if the report is not~~
446 ~~timely filed, voters will be informed that the candidate has been disqualified and any votes cast~~
447 ~~for the candidate will not be counted; and]~~

448 [~~(iv) if the notification is in reference to a summary report, that the candidate may be~~
449 ~~guilty of a class B misdemeanor for failing to file the report.]~~

450 (2) [~~Persons or entities submitting financial statements required by this chapter may~~
451 ~~submit them: (a) on paper, printed, typed, or legibly handwritten or hand printed; (b) on a~~
452 ~~computer disk according to specifications established by the chief election officer that protect~~
453 ~~against fraudulent filings and secure the accuracy of the information contained on the computer~~
454 ~~disk; (c) via fax; or (d)] A filing entity shall electronically file a financial statement via
455 electronic mail or the Internet[;] according to specifications established by the chief election
456 officer.~~

457 (3) A financial statement is considered timely filed if[~~-(a)] it is received [in] by the
458 chief election officer's office [~~no later than 5:00 p.m.:~~] before the close of regular office hours
459 on the date that it is due[;].~~

460 ~~[(b) it is received in the chief election officer's office with a postmark three days or~~
461 ~~more before the date that the financial statement was due; or]~~

462 ~~[(c) the candidate, judge, or entity has proof that the financial statement was mailed,~~
463 ~~with appropriate postage and addressing, three days before the financial statement was due.]~~

464 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
465 Access and Management Act, the lieutenant governor shall:

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

468 (b) post an electronic copy or the contents of each ~~[campaign finance]~~ financial
469 statement in a searchable format on a website established by the lieutenant governor:

470 (i) for campaign finance statements submitted to the lieutenant governor under the
471 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
472 the date of receipt of the campaign finance statement; ~~[or]~~

473 (ii) for a ~~[campaign finance statement]~~ summary report or interim report filed under the
474 requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than
475 ~~[seven]~~ three business days after the date the statement is ~~[due:]~~ electronically filed; and

476 (iii) for a financial statement required by Subsections 20A-11-201(5)(b),
477 20A-11-301(6)(b), 20A-11-602(4), 20A-11-802(3), 20A-11-901(2), 20A-11-1301(6)(b), and
478 20A-12-303(3)(b), and Section 20A-11-510, no later than one business day after the date the
479 statement is electronically filed.

480 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
481 elects to provide campaign finance disclosure on its own website, rather than through the
482 lieutenant governor, the website established by the lieutenant governor shall contain a link or
483 other access point to the municipality or county website.

484 Section 3. Section **20A-11-104** is enacted to read:

485 **20A-11-104. Cash Contributions.**

486 A person may not make a cash contribution in excess of \$100.

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

488 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

489 (1) (a) Each state office candidate or the candidate's personal campaign committee
490 shall deposit each contribution and public service assistance received in one or more separate

491 campaign accounts in a financial institution.

492 (b) The state office candidate or the candidate's personal campaign committee may use
493 the monies in those accounts only for political purposes.

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

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

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

504 (b) A person who is no longer a state office candidate may transfer the monies in a
505 campaign account in a manner that would cause the former state office candidate to recognize
506 the monies as taxable income under federal tax law if the transfer is made to a campaign
507 account for federal office.

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

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

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

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

515 (b) Each state office candidate shall report to the lieutenant governor each contribution
516 and public service assistance [~~to the lieutenant governor~~]:

517 (i) within 30 days after the contribution or public service assistance is received[-]; and

518 (ii) within 72 hours if the contribution or public service assistance is:

519 (A) in excess of \$1,000; and

520 (B) within the possession of the state office candidate or the state office candidate's
521 personal campaign committee seven days before an election.

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

523 **20A-11-203. State office candidate -- Financial reporting requirements --**

524 **Year-end summary report.**

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

527 (b) ~~[Beginning with the 2008 regular general election and in]~~ In addition to the
528 requirements of Subsection (1)(a), a former state office candidate that has not filed the
529 statement of dissolution and final summary report required under Section 20A-11-205 shall
530 continue to file a summary report on January 10 of each year.

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

533 (i) the net balance of the last ~~[summary report]~~ financial statement, if any;

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

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

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

540 (v) for each nonmonetary contribution:

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

543 (B) a specific description of the contribution;

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

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

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

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

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

553 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
554 December 31 of the previous year.

555 (c) A check or negotiable instrument within the possession of a state office candidate
556 or the state office candidate's personal campaign committee on or before December 31 of the
557 previous year shall be negotiated and included in the summary report.

558 (3) ~~[The summary report shall contain a paragraph signed by an]~~ An authorized
559 member of the state office candidate's personal campaign committee or ~~[by]~~ the state office
560 candidate ~~[certifying]~~ shall certify in the summary report that, to the best of the ~~[signer's]~~
561 person's knowledge, all receipts and all expenditures have been reported as of December 31 of
562 the previous year and that there are no bills or obligations outstanding and unpaid except as set
563 forth in that report.

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

565 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
566 **reports.**

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

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

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

571 (c) August 31; and

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

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

574 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;

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

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

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

581 (e) for each nonmonetary contribution:

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

584 (ii) a specific description of the contribution;
585 (f) a detailed listing of each expenditure made since the last summary report that has
586 not been reported in detail on a prior interim report;
587 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
588 (h) a net balance for the year consisting of the net balance from the last summary
589 report, if any, plus all receipts since the last summary report minus all expenditures since the
590 last summary report; and

591 (i) a summary page in the form required by the lieutenant governor that identifies:
592 (i) beginning balance;
593 (ii) total contributions during the period since the last statement;
594 (iii) total contributions to date;
595 (iv) total expenditures during the period since the last statement; and
596 (v) total expenditures to date.

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

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

601 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
602 reported as of five days before the required filing date of the report.

603 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a state
604 office candidate or a state office candidate's personal campaign committee more than five days
605 before the required filing date of a report required by this section shall be negotiated and
606 included in the interim report.

607 Section 7. Section **20A-11-206** is amended to read:

608 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

609 (1) (a) If a state office candidate fails to file an interim report due before the regular
610 primary election, on August 31, or before the regular general election, the lieutenant governor
611 shall, after making a reasonable attempt to discover if the report was timely ~~[mailed, inform the~~
612 ~~county clerk and other appropriate election officials who:]~~ filed, impose a fine against the filing
613 entity in accordance with Section 20A-11-1005.

614 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~

615 candidate's name before the ballots are delivered to voters; or]

616 [~~(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
617 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
618 ~~cast for the candidate will not be counted; and]~~

619 [~~(iii) may not count any votes for that candidate.]~~

620 [~~(b) Any state office candidate who fails to file timely a financial statement required by~~
621 ~~Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in~~
622 ~~Section 20A-1-501.]~~

623 [~~(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not~~
624 ~~disqualified if:]~~

625 (b) The lieutenant governor may not impose the fine if:

626 (i) the candidate timely files the reports required by this section no later than the due
627 date in accordance with Section 20A-11-103;

628 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
629 information required by this part except for inadvertent omissions or insignificant errors or
630 inaccuracies; and

631 (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
632 explained, clearly shown, and corrected in:

633 (A) an amended report; or [in]

634 (B) the next scheduled report.

635 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
636 governor shall review each filed summary report to ensure that:

637 (i) each state office candidate that is required to file a summary report has filed one;
638 and

639 (ii) each summary report contains the information required by this part.

640 (b) If it appears that any state office candidate has failed to file the summary report
641 required by law, if it appears that a filed summary report does not conform to the law, or if the
642 lieutenant governor has received a written complaint alleging a violation of the law or the
643 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
644 violation or receipt of a written complaint, notify the state office candidate of the violation or
645 written complaint and direct the state office candidate to file a summary report correcting the

646 problem.

647 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
648 report within 14 days after receiving notice from the lieutenant governor under this section.

649 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
650 misdemeanor.

651 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
652 attorney general.

653 Section 8. Section **20A-11-301** is amended to read:

654 **20A-11-301. Legislative office candidate -- Campaign requirements.**

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

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

660 (3) A legislative office candidate may not make any political expenditures prohibited
661 by law.

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

666 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
667 is no longer a legislative office candidate may not expend or transfer the monies in a campaign
668 account in a manner that would cause the former legislative office candidate to recognize the
669 monies as taxable income under federal tax law.

670 (b) A person who is no longer a legislative office candidate may transfer the monies in
671 a campaign account in a manner that would cause the former legislative office candidate to
672 recognize the monies as taxable income under federal tax law if the transfer is made to a
673 campaign account for federal office.

674 (6) (a) As used in this Subsection (6) and Section 20A-11-303, "received" means:

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

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

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

681 (b) Each legislative office candidate shall report to the lieutenant governor each
682 contribution and public service assistance [~~to the lieutenant governor~~];

683 (i) within 30 days after the contribution or public service assistance is received[-]; and

684 (ii) within 72 hours if the contribution or public service assistance is:

685 (A) in excess of \$1,000; and

686 (B) within the legislative office candidate's possession seven days before an election.

687 Section 9. Section **20A-11-302** is amended to read:

688 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

689 **Year-end summary report.**

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

692 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the
693 requirements of Subsection (1)(a), a former legislative office candidate that has not filed the
694 statement of dissolution and final summary report required under Section 20A-11-304 shall
695 continue to file a summary report on January 10 of each year.

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

698 (i) the net balance of the last [~~summary report~~] financial statement, if any;

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

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

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

705 (v) for each nonmonetary contribution:

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

- 708 (B) a specific description of the contribution;
- 709 (vi) a detailed listing of each expenditure made since the last summary report that has
- 710 not been reported in detail on an interim report;
- 711 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 712 (viii) a net balance for the year consisting of the net balance from the last summary
- 713 report, if any, plus all receipts minus all expenditures.

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

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

718 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
719 December 31 of the previous year.

720 (c) A check or negotiable instrument within the legislative office candidate's
721 possession on or before December 31 of the previous year shall be negotiated and included in
722 the summary report.

723 (3) ~~[The summary report shall contain a paragraph signed by the]~~ The legislative office
724 candidate ~~[certifying]~~ shall certify in the summary report that to the best of the candidate's
725 knowledge, all receipts and all expenditures have been reported as of December 31 of the
726 previous year and that there are no bills or obligations outstanding and unpaid except as set
727 forth in that report.

728 Section 10. Section **20A-11-303** is amended to read:

729 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
730 **Interim reports.**

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

- 733 (a) seven days before the candidate's political convention;
- 734 (b) seven days before the regular primary election date;
- 735 (c) August 31; and
- 736 (d) seven days before the regular general election date.

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

- 738 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;

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

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

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

745 (e) for each nonmonetary contribution:

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

748 (ii) a specific description of the contribution;

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

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

752 (h) a net balance for the year consisting of the net balance from the last summary
753 report, if any, plus all receipts since the last summary report minus all expenditures since the
754 last summary report; and

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

756 (i) beginning balance;

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

758 (iii) total contributions to date;

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

760 (v) total expenditures to date.

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

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

765 [(4)] (3) (a) In preparing each interim report, all receipts and expenditures shall be
766 reported as of five days before the required filing date of the report.

767 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a
768 legislative office candidate more than five days before the required filing date of a report
769 required by this section shall be negotiated and included in the interim report.

770 Section 11. Section **20A-11-305** is amended to read:

771 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

772 (1) (a) If a legislative office candidate fails to file an interim report due before the
773 regular primary election, on August 31, or before the regular general election, the lieutenant
774 governor shall, after making a reasonable attempt to discover if the report was timely [~~mailed;~~
775 ~~inform the county clerk and other appropriate election officials who:~~] filed, impose a fine
776 against the filing entity in accordance with Section 20A-11-1005.

777 [~~(i) shall, if practicable, remove the name of the candidate by blacking out the~~
778 ~~candidate's name before the ballots are delivered to voters; or]~~

779 [~~(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
780 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
781 ~~cast for the candidate will not be counted; and]~~

782 [~~(iii) may not count any votes for that candidate.]~~

783 [~~(b) Any legislative office candidate who fails to file timely a financial statement~~
784 ~~required by Section 20A-11-303 is disqualified and the vacancy on the ballot may be filled as~~
785 ~~provided in Section 20A-1-501.]~~

786 [~~(c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not~~
787 ~~disqualified if:]~~

788 (b) The lieutenant governor may not impose the fine if:

789 (i) the candidate timely files the reports required by this section no later than the due
790 date in accordance with Section 20A-11-103;

791 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
792 information required by this part except for inadvertent omissions or insignificant errors or
793 inaccuracies; and

794 (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
795 explained, clearly shown, and corrected in:

796 (A) an amended report; or [in]

797 (B) the next scheduled report.

798 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
799 governor shall review each filed summary report to ensure that:

800 (i) each legislative office candidate that is required to file a summary report has filed

801 one; and

802 (ii) each summary report contains the information required by this part.

803 (b) If it appears that any legislative office candidate has failed to file the summary
804 report required by law, if it appears that a filed summary report does not conform to the law, or
805 if the lieutenant governor has received a written complaint alleging a violation of the law or the
806 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
807 violation or receipt of a written complaint, notify the legislative office candidate of the
808 violation or written complaint and direct the legislative office candidate to file a summary
809 report correcting the problem.

810 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
811 summary report within 14 days after receiving notice from the lieutenant governor under this
812 section.

813 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
814 class B misdemeanor.

815 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
816 attorney general.

817 Section 12. Section **20A-11-401** is amended to read:

818 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
819 **report.**

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

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

825 (i) this section; and

826 (ii) the section that provides the requirements for the summary report that must be filed
827 by the officeholder in the officeholder's capacity of a candidate for office.

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

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

831 (ii) a single figure equal to the total amount of receipts received since the last summary

832 report, if any;

833 (iii) a single figure equal to the total amount of expenditures made since the last

834 summary report, if any;

835 (iv) a detailed listing of each contribution and public service assistance received since

836 the last summary report;

837 (v) for each nonmonetary contribution:

838 (A) the fair market value of the contribution with that information provided by the

839 contributor; and

840 (B) a specific description of the contribution;

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

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

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

844 report plus all receipts minus all expenditures.

845 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a~~

846 ~~single aggregate figure may be reported without separate detailed listings.]~~

847 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~

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

849 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of

850 December 31 of the previous year.

851 (3) The summary report shall contain a paragraph signed by the officeholder certifying

852 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been

853 reported as of December 31 of the last calendar year and that there are no bills or obligations

854 outstanding and unpaid except as set forth in that report.

855 Section 13. Section **20A-11-403** is amended to read:

856 **20A-11-403. Failure to file -- Penalties.**

857 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant

858 governor shall review each filed summary report to ensure that:

859 (a) each officeholder that is required to file a summary report has filed one; and

860 (b) each summary report contains the information required by this part.

861 (2) If it appears that any officeholder has failed to file the summary report required by

862 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant

863 governor has received a written complaint alleging a violation of the law or the falsity of any
864 summary report, the lieutenant governor shall[;]:

865 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

866 (b) within five days of discovery of a violation or receipt of a written complaint, notify
867 the officeholder of the violation or written complaint and direct the officeholder to file a
868 summary report correcting the problem.

869 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
870 within 14 days after receiving notice from the lieutenant governor under this section.

871 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
872 misdemeanor.

873 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
874 attorney general.

875 Section 14. Section **20A-11-506** is amended to read:

876 **20A-11-506. Political party financial reporting requirements -- Year-end**
877 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

899 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
900 December 31 of the previous year.

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

905 Section 15. Section **20A-11-507** is amended to read:

906 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

911 ~~[(a)]~~ (c) August 31; and

912 ~~[(b)]~~ (d) seven days before the general election date.

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

914 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;

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

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

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

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

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

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

925 (h) a net balance for the year consisting of the net balance from the last summary
 926 report, if any, plus all receipts since the last summary report minus all expenditures since the
 927 last summary report; and

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

929 (i) beginning balance;

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

931 (iii) total contributions to date;

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

933 (v) total expenditures to date.

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

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

938 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
 939 reported as of five days before the required filing date of the report.

940 Section 16. Section **20A-11-508** is amended to read:

941 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

942 (1) (a) Each registered political party that fails to file ~~[the interim reports due on~~
 943 ~~August 31 or before the regular general election is]~~ an interim report by the due date is:

944 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

945 (ii) guilty of a class B misdemeanor.

946 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
 947 attorney general.

948 (2) Within 30 days after a deadline for the filing of a summary report required by this
 949 part, the lieutenant governor shall review each filed report to ensure that:

950 (a) each political party that is required to file a report has filed one; and

951 (b) each report contains the information required by this part.

952 (3) If it appears that any political party has failed to file a report required by law, if it
 953 appears that a filed report does not conform to the law, or if the lieutenant governor has
 954 received a written complaint alleging a violation of the law or the falsity of any report, the
 955 lieutenant governor shall, within five days of discovery of a violation or receipt of a written

956 complaint, notify the political party of the violation or written complaint and direct the political
957 party to file a summary report correcting the problem.

958 (4) (a) It is unlawful for any political party to fail to file or amend a summary report
959 within 14 days after receiving notice from the lieutenant governor under this section.

960 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
961 misdemeanor.

962 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
963 attorney general.

964 Section 17. Section **20A-11-509** is enacted to read:

965 **20A-11-509. Designation of contribution's use prohibited.**

966 A person making a contribution to a registered political party may not request that the
967 registered political party expend the contribution in a way to benefit a specific candidate.

968 Section 18. Section **20A-11-510** is enacted to read:

969 **20A-11-510. Reporting of contributions over \$1,000.**

970 A registered political party shall report to the lieutenant governor each contribution
971 received within 72 hours if the contribution is:

972 (1) in excess of \$1,000; and

973 (2) within the registered political party's possession seven days before an election.

974 Section 19. Section **20A-11-602** is amended to read:

975 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

982 [~~(i)~~] (iii) on August 31; and

983 [~~(iii)~~] (iv) seven days before the regular general election date.

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

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

987 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
 988 Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the
 989 required filing date of the financial statement.

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

992 (2) ~~[(a)]~~ The verified financial statement shall include:

993 ~~[(i)]~~ (a) the name~~[-]~~ and address~~[-]~~ and occupation of any individual that makes a
 994 contribution to the reporting political action committee, and the amount of the contribution;

995 ~~[(ii)]~~ (b) the identification of any publicly identified class of individuals that makes a
 996 contribution to the reporting political action committee, and the amount of the contribution;

997 ~~[(iii)]~~ (c) the name and address of any political action committee, group, or entity that
 998 makes a contribution to the reporting political action committee, and the amount of the
 999 contribution;

1000 ~~[(iv)]~~ (d) for each nonmonetary contribution, the fair market value of the contribution;

1001 ~~[(v)]~~ (e) the name and address of each reporting entity that received an expenditure
 1002 from the reporting political action committee, and the amount of each expenditure;

1003 ~~[(vi)]~~ (f) for each nonmonetary expenditure, the fair market value of the expenditure;

1004 ~~[(vii)]~~ (g) the total amount of contributions received and expenditures disbursed by the
 1005 reporting political action committee;

1006 ~~[(viii) a paragraph signed]~~ (h) a statement by the political action committee's treasurer
 1007 or chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
 1008 knowledge, the financial report is accurate; and

1009 ~~[(ix)]~~ (i) a summary page in the form required by the lieutenant governor that
 1010 identifies:

1011 ~~[(A)]~~ (i) beginning balance;

1012 ~~[(B)]~~ (ii) total contributions during the period since the last statement;

1013 ~~[(C)]~~ (iii) total contributions to date;

1014 ~~[(D)]~~ (iv) total expenditures during the period since the last statement; and

1015 ~~[(E)]~~ (v) total expenditures to date.

1016 ~~[(b) (i) Contributions received by a political action committee that have a value of \$50~~
 1017 ~~or less need not be reported individually, but shall be listed on the report as an aggregate total.]~~

1018 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
1019 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1020 (3) A group or entity may not divide or separate into units, sections, or smaller groups
1021 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
1022 shall prevail over form in determining the scope or size of a political action committee.

1023 (4) A registered political action committee shall report to the lieutenant governor each
1024 contribution received within 72 hours if the contribution is:

1025 (a) in excess of \$1,000; and

1026 (b) within the political action committee's possession seven days before an election or
1027 municipal election.

1028 Section 20. Section **20A-11-603** is amended to read:

1029 **20A-11-603. Criminal penalties -- Fines.**

1030 (1) (a) Each political action committee that fails to file the statement due before the
1031 regular primary election, on August 31 or before the regular general session is:

1032 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

1033 (ii) guilty of a class B misdemeanor.

1034 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
1035 attorney general.

1036 (2) Within 30 days after a deadline for the filing of the January 10 statement required
1037 by this part, the lieutenant governor shall review each filed statement to ensure that:

1038 (a) each political action committee that is required to file a statement has filed one; and

1039 (b) each statement contains the information required by this part.

1040 (3) If it appears that any political action committee has failed to file the January 10
1041 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
1042 governor has received a written complaint alleging a violation of the law or the falsity of any
1043 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
1044 of a written complaint, notify the political action committee of the violation or written
1045 complaint and direct the political action committee to file a statement correcting the problem.

1046 (4) (a) It is unlawful for any political action committee to fail to file or amend a
1047 statement within 14 days after receiving notice from the lieutenant governor under this section.

1048 (b) Each political action committee who violates Subsection (4)(a) is guilty of a class B

1049 misdemeanor.

1050 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1051 attorney general.

1052 Section 21. Section **20A-11-604** is enacted to read:

1053 **20A-11-604. Designation of contribution's use prohibited.**

1054 A person making a contribution to a political action committee may not request that the
1055 political action committee expend the contribution in a way to benefit a specific candidate.

1056 Section 22. Section **20A-11-701** is amended to read:

1057 **20A-11-701. Campaign financial reporting of candidate campaign contributions**
1058 **by corporations -- Filing requirements -- Statement contents.**

1059 (1) (a) Each corporation that has made expenditures for political purposes that total at
1060 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
1061 governor's office ~~[on]~~:

1062 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1063 (ii) seven days before the regular primary election date;

1064 ~~[(ii)]~~ (iii) on August 31; and

1065 ~~[(iii)]~~ (iv) seven days before the regular general election date.

1066 (b) The corporation shall report:

1067 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~

1068 ~~(ii) for financial statements filed [on August 31 and before the general election]~~ under
1069 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing
1070 date of the financial statement[-]; and

1071 (iii) whether the corporation, including an officer, director, spouse, or person with at
1072 least 10% ownership in the corporation:

1073 (A) has bid since the last financial statement on a contract, as defined in Section
1074 63G-6-103, in excess of \$100,000;

1075 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
1076 \$100,000; or

1077 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.

1078 (c) The corporation need not file a statement under this section if it made no
1079 expenditures during the reporting period.

1080 (2) That statement shall include:

1081 (a) the name and address of each reporting entity that received an expenditure from the
1082 corporation, and the amount of each expenditure;

1083 (b) the total amount of expenditures disbursed by the corporation; and

1084 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
1085 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
1086 financial report.

1087 Section 23. Section **20A-11-702** is amended to read:

1088 **20A-11-702. Campaign financial reporting of political issues expenditures by**
1089 **corporations -- Financial reporting.**

1090 (1) (a) Each corporation that has made political issues expenditures on current or
1091 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
1092 financial statement with the lieutenant governor's office ~~[on]~~:

1093 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1094 (ii) seven days before the regular primary election date;

1095 ~~[(ii)]~~ (iii) on August 31; and

1096 ~~[(iii)]~~ (iv) seven days before the regular general election date.

1097 (b) The corporation shall report:

1098 (i) a detailed listing of all expenditures made since the last statement; and

1099 (ii) for financial statements ~~[filed on August 31 and before the primary and general~~
1100 ~~elections]~~ under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the
1101 required filing date of the financial statement.

1102 (c) The corporation need not file a statement under this section if it made no
1103 expenditures during the reporting period.

1104 (2) That statement shall include:

1105 (a) the name and address of each individual, entity, or group of individuals or entities
1106 that received a political issues expenditure ~~[of more than \$50]~~ from the corporation, and the
1107 amount of each political issues expenditure;

1108 (b) the total amount of political issues expenditures disbursed by the corporation; and

1109 (c) ~~[a paragraph signed]~~ a statement by the corporation's treasurer or chief financial
1110 officer ~~[verifying]~~ certifying the accuracy of the verified financial statement.

1111 Section 24. Section **20A-11-703** is amended to read:

1112 **20A-11-703. Criminal penalties -- Fines.**

1113 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1114 the lieutenant governor shall review each filed statement to ensure that:

1115 (a) each corporation that is required to file a statement has filed one; and

1116 (b) each statement contains the information required by this part.

1117 (2) If it appears that any corporation has failed to file any statement, if it appears that a
1118 filed statement does not conform to the law, or if the lieutenant governor has received a written
1119 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
1120 shall[-];

1121 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

1122 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1123 the corporation of the violation or written complaint and direct the corporation to file a
1124 statement correcting the problem.

1125 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14
1126 days after receiving notice from the lieutenant governor under this section.

1127 (b) Each corporation who violates Subsection (3)(a) is guilty of a class B misdemeanor.

1128 (c) The lieutenant governor shall report all violations of [~~this~~] Subsection (3)(a) to the
1129 attorney general.

1130 Section 25. Section **20A-11-802** is amended to read:

1131 **20A-11-802. Political issues committees -- Financial reporting.**

1132 (1) (a) Each registered political issues committee that has received political issues
1133 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1134 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
1135 governor's office:

1136 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1137 previous year;

1138 (ii) seven days before the date of an incorporation election, if the political issues
1139 committee has received donations or made disbursements to affect an incorporation;

1140 (iii) at least three days before the first public hearing held as required by Section
1141 20A-7-204.1;

1142 (iv) if the political issues committee has received or expended funds in relation to an
1143 initiative or referendum, at the time the initiative or referendum sponsors submit:

1144 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1145 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1146 (v) on August 31; and

1147 (vi) seven days before the regular general election.

1148 (b) The political issues committee shall report:

1149 (i) a detailed listing of all contributions received and expenditures made since the last
1150 statement; and

1151 (ii) for financial statements filed on August 31 and before the general election, all
1152 contributions and expenditures as of three days before the required filing date of the financial
1153 statement.

1154 (c) The political issues committee need not file a statement under this section if it
1155 received no contributions and made no expenditures during the reporting period.

1156 (2) (a) That statement shall include:

1157 (i) the name[;] and address[; ~~and occupation~~] of any individual that makes a political
1158 issues contribution to the reporting political issues committee, and the amount of the political
1159 issues contribution;

1160 (ii) the identification of any publicly identified class of individuals that makes a
1161 political issues contribution to the reporting political issues committee, and the amount of the
1162 political issues contribution;

1163 (iii) the name and address of any political issues committee, group, or entity that makes
1164 a political issues contribution to the reporting political issues committee, and the amount of the
1165 political issues contribution;

1166 (iv) the name and address of each reporting entity that makes a political issues
1167 contribution to the reporting political issues committee, and the amount of the political issues
1168 contribution;

1169 (v) for each nonmonetary contribution, the fair market value of the contribution;

1170 (vi) [~~except as provided in Subsection (2)(c);~~] the name and address of each individual,
1171 entity, or group of individuals or entities that received a political issues expenditure [~~of more~~
1172 ~~than \$50~~] from the reporting political issues committee, and the amount of each political issues

1173 expenditure;

1174 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1175 (viii) the total amount of political issues contributions received and political issues
1176 expenditures disbursed by the reporting political issues committee;

1177 (ix) ~~[a paragraph signed]~~ a statement by the political issues committee's treasurer or
1178 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
1179 knowledge, the financial statement is accurate; and

1180 (x) a summary page in the form required by the lieutenant governor that identifies:

1181 (A) beginning balance;

1182 (B) total contributions during the period since the last statement;

1183 (C) total contributions to date;

1184 (D) total expenditures during the period since the last statement; and

1185 (E) total expenditures to date.

1186 ~~[(b) (i) Political issues contributions received by a political issues committee that have
1187 a value of \$50 or less need not be reported individually, but shall be listed on the report as an
1188 aggregate total.]~~

1189 ~~[(ii) Two or more political issues contributions from the same source that have an
1190 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1191 separately.]~~

1192 ~~[(c)]~~ (b) When reporting political issue expenditures made to circulators of initiative
1193 petitions, the political issues committee:

1194 (i) need only report the amount paid to each initiative petition circulator; and

1195 (ii) need not report the name or address of the circulator.

1196 (3) A registered political issues committee shall report to the lieutenant governor each
1197 contribution received within 72 hours if the contribution is:

1198 (a) in excess of \$1,000; and

1199 (b) within the political issues committee's possession seven days before an election or a
1200 municipal election.

1201 Section 26. Section **20A-11-901** is amended to read:

1202 **20A-11-901. Political advertisements -- Requirement that ads designate**
1203 **responsibility and authorization -- Unauthorized use of endorsements.**

1204 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
1205 advertisement expressly advocating the election or defeat of a clearly identified candidate, or
1206 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
1207 advertising facility, direct mailing, or any other type of general public political advertising, the
1208 advertisement:

1209 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1210 shall clearly state that the advertisement has been paid for by the candidate or the campaign
1211 committee;

1212 (ii) if paid for by another person but authorized by a candidate or the candidate's
1213 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1214 or the campaign committee authorized the advertisement; or

1215 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the
1216 name of the person who paid for the advertisement and state that the advertisement is not
1217 authorized by any candidate or candidate's committee.

1218 (b) The requirements of Subsection (1)(a) do not apply to:

1219 (i) lawn signs with dimensions of four by eight feet or smaller;

1220 (ii) bumper stickers;

1221 (iii) campaign pins, buttons, and pens; and

1222 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

1223 (2) (a) A person who pays for an electioneering communication shall file a report with
1224 the lieutenant governor within 24 hours of making the payment or promising to make the
1225 payment.

1226 (b) The report shall include:

1227 (i) the name and street address of the person described in Subsection (2)(a);

1228 (ii) the name and address of each person contributing at least \$100 to the person
1229 described in Subsection (2)(a) for the purpose of disseminating the electioneering
1230 communication;

1231 (iii) the amount spent on the electioneering communication;

1232 (iv) the name of the identified referenced candidate; and

1233 (v) the medium used to disseminate the electioneering communication.

1234 [~~2~~] (3) A person may not, in order to promote the success of any candidate for

1235 nomination or election to any public office, or in connection with any question submitted to the
 1236 voters, include or cause to be included the name of any person as endorser or supporter in any
 1237 political advertisement, circular, poster, or publication without the express consent of that
 1238 person.

1239 ~~[(3)]~~ (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
 1240 any newspaper or other periodical to induce him to advocate or oppose editorially any
 1241 candidate for nomination or election.

1242 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
 1243 advocate or oppose editorially any candidate for nomination or election.

1244 Section 27. Section **20A-11-904** is enacted to read:

1245 **20A-11-904. Contribution given in another's name prohibited.**

1246 A person may not:

1247 (1) make a contribution in the name of another;

1248 (2) knowingly permit another to make a contribution in the person's name; or

1249 (3) knowingly accept a contribution made by one person in the name of another.

1250 Section 28. Section **20A-11-1001** is amended to read:

1251 **20A-11-1001. Electronic form prepared by chief election officer.**

1252 The chief election officer shall:

1253 (1) develop and prepare ~~[forms for all]~~ an electronic form for all financial statements
 1254 required by this chapter; and

1255 (2) provide ~~[copies of the forms]~~ access to the electronic form to the secretary of every
 1256 committee, to every candidate, and to all others who request them.

1257 Section 29. Section **20A-11-1002** is amended to read:

1258 **20A-11-1002. Retention and public inspection of financial statements -- Written**
 1259 **complaint if statement is false or unlawful.**

1260 (1) The chief election officer shall:

1261 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1262 Judicial Retention Elections:

1263 (i) open to public inspection in the office of the chief election officer; and

1264 (ii) available for viewing on the Internet ~~[at the lieutenant governor's website within~~
 1265 ~~seven calendar days after the report is received by the chief election officer]~~ in accordance with

1266 Section 20A-11-103;

1267 (b) preserve those statements for at least five years; and

1268 (c) provide certified copies of the financial statements in the same manner as for other
1269 public records.

1270 (2) Any candidate or voter may file a written complaint with the chief election officer
1271 alleging that a filed financial statement does not conform to law or to the truth.

1272 Section 30. Section **20A-11-1005** is enacted to read:

1273 **20A-11-1005. Fines for failing to file a financial statement.**

1274 (1) The chief election officer shall fine a filing entity:

1275 (a) \$300 for failing to file a financial statement by the filing deadline; and

1276 (b) \$500 for each month after the filing deadline in which the filing entity fails to file
1277 the report.

1278 (2) If a filing entity is unable to pay the fine and files an affidavit of impecuniosity in a
1279 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine
1280 against the candidate or treasurer, as appropriate.

1281 (3) The chief election officer shall deposit fines collected under this chapter in the
1282 General Fund.

1283 Section 31. Section **20A-11-1301** is amended to read:

1284 **20A-11-1301. School board office candidate -- Campaign requirements.**

1285 (1) Each school board office candidate shall deposit each contribution and public
1286 service assistance received in one or more separate accounts in a financial institution that are
1287 dedicated only to that purpose.

1288 (2) A school board office candidate may not deposit or mingle any contributions or
1289 public service assistance received into a personal or business account.

1290 (3) A school board office candidate may not make any political expenditures prohibited
1291 by law.

1292 (4) If a person who is no longer a school board candidate chooses not to expend the
1293 monies remaining in a campaign account, the person shall continue to file the year-end
1294 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1295 summary report required by Section 20A-11-1304 are filed with:

1296 (a) the lieutenant governor in the case of a state school board candidate; and

1297 (b) the county clerk, in the case of a local school board candidate.

1298 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1299 is no longer a school board candidate may not expend or transfer the monies in a campaign
1300 account in a manner that would cause the former school board candidate to recognize the
1301 monies as taxable income under federal tax law.

1302 (b) A person who is no longer a school board candidate may transfer the monies in a
1303 campaign account in a manner that would cause the former school board candidate to recognize
1304 the monies as taxable income under federal tax law if the transfer is made to a campaign
1305 account for federal office.

1306 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1307 (i) for a cash contribution, that the cash is given to a ~~[legislative]~~ school board office
1308 candidate or a member of the candidate's personal campaign committee;

1309 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1310 instrument or check is negotiated; and

1311 (iii) for any other type of contribution, that any portion of the contribution's benefit
1312 inures to the ~~[legislative]~~ school board office candidate.

1313 (b) Each school board office candidate shall report to the chief election officer each
1314 contribution and public service assistance ~~[to the lieutenant governor]~~:

1315 (i) within 30 days after the contribution or public service assistance is received[-]; and

1316 (ii) within 72 hours if the contribution or public service assistance is:

1317 (A) in excess of \$1,000; and

1318 (B) within the school board office candidate's possession seven days before an election.

1319 Section 32. Section **20A-11-1302** is amended to read:

1320 **20A-11-1302. School board office candidate -- Financial reporting requirements**

1321 **-- Year-end summary report.**

1322 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1323 the year after the regular general election year.

1324 (b) ~~[Beginning with the 2008 regular general election and in]~~ In addition to the
1325 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
1326 statement of dissolution and final summary report required under Section 20A-11-1304 shall
1327 continue to file a summary report on January 10 of each year.

1328 (2) (a) Each summary report shall include the following information as of December 31
1329 of the previous year:

1330 (i) the net balance of the last [~~summary report~~] financial statement, if any;

1331 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1332 if any, during the previous year;

1333 (iii) a single figure equal to the total amount of expenditures reported on all interim
1334 reports, if any, filed during the previous year;

1335 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1336 the last summary report that has not been reported in detail on an interim report;

1337 (v) for each nonmonetary contribution:

1338 (A) the fair market value of the contribution with that information provided by the
1339 contributor; and

1340 (B) a specific description of the contribution;

1341 (vi) a detailed listing of each expenditure made since the last summary report that has
1342 not been reported in detail on an interim report;

1343 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1344 (viii) a net balance for the year consisting of the net balance from the last summary
1345 report, if any, plus all receipts minus all expenditures.

1346 [~~(b) (i) For all individual contributions or public service assistance of \$50 or less, a
1347 single aggregate figure may be reported without separate detailed listings.]~~

1348 [~~(ii) Two or more contributions from the same source that have an aggregate total of
1349 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1350 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
1351 December 31 of the previous year.

1352 (c) A check or negotiable instrument within the possession of a school board office
1353 candidate on or before December 31 of the previous year shall be negotiated and included in
1354 the summary report.

1355 (3) [~~The summary report shall contain a paragraph signed by the~~] The school board
1356 office candidate [certifying] shall certify in the summary report that, to the best of the school
1357 board office candidate's knowledge, all receipts and all expenditures have been reported as of
1358 December 31 of the previous year and that there are no bills or obligations outstanding and

1359 unpaid except as set forth in that report.

1360 Section 33. Section **20A-11-1303** is amended to read:

1361 **20A-11-1303. School board office candidate -- Financial reporting requirements**

1362 **-- Interim reports.**

1363 (1) Each school board office candidate shall file an interim report at the following
1364 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 1365 (a) May 15, for state school board office candidates;
- 1366 (b) seven days before the regular primary election date;
- 1367 (c) August 31; and
- 1368 (d) seven days before the regular general election date.

1369 (2) Each interim report shall include the following information:

- 1370 (a) the net balance of the last [~~summary report~~] financial statement, if any;
- 1371 (b) a single figure equal to the total amount of receipts reported on all prior interim
1372 reports, if any, during the calendar year in which the interim report is due;
- 1373 (c) a single figure equal to the total amount of expenditures reported on all prior
1374 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1375 (d) a detailed listing of each contribution and public service assistance received since
1376 the last summary report that has not been reported in detail on a prior interim report;
- 1377 (e) for each nonmonetary contribution:
 - 1378 (i) the fair market value of the contribution with that information provided by the
1379 contributor; and
 - 1380 (ii) a specific description of the contribution;
- 1381 (f) a detailed listing of each expenditure made since the last summary report that has
1382 not been reported in detail on a prior interim report;
- 1383 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1384 (h) a net balance for the year consisting of the net balance from the last summary
1385 report, if any, plus all receipts since the last summary report minus all expenditures since the
1386 last summary report; and
 - 1387 (i) a summary page in the form required by the lieutenant governor that identifies:
 - 1388 (i) beginning balance;
 - 1389 (ii) total contributions during the period since the last statement;

1390 (iii) total contributions to date;

1391 (iv) total expenditures during the period since the last statement; and

1392 (v) total expenditures to date.

1393 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
1394 ~~single aggregate figure may be reported without separate detailed listings.]~~

1395 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1396 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1397 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
1398 reported as of five days before the required filing date of the report.

1399 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a school
1400 board office candidate more than five days before the required filing date of a report required
1401 by this section shall be negotiated and included in the interim report.

1402 Section 34. Section **20A-11-1305** is amended to read:

1403 **20A-11-1305. School board office candidate -- Failure to file statement --**

1404 **Penalties.**

1405 (1) (a) If a school board office candidate fails to file an interim report due before the
1406 regular primary election, on August 31, and before the regular general election, the chief
1407 election officer shall, after making a reasonable attempt to discover if the report was timely
1408 ~~[mailed] filed, [inform the county clerk and other appropriate election officials who:]~~ impose a
1409 fine against the filing entity in accordance with Section 20A-11-1005.

1410 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~
1411 ~~candidate's name before the ballots are delivered to voters; or]~~

1412 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1413 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1414 ~~cast for candidate will not be counted; and]~~

1415 ~~[(iii) may not count any votes for that candidate.]~~

1416 ~~[(b) Any school board office candidate who fails to file timely a financial statement~~
1417 ~~required by this part is disqualified and the vacancy on the ballot may be filled as provided in~~
1418 ~~Section 20A-1-501.]~~

1419 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is~~
1420 ~~not disqualified if:]~~

- 1421 **(b) The chief election officer may not impose the fine if:**
1422 (i) the candidate timely files the reports required by this section in accordance with
1423 Section 20A-11-103;
1424 (ii) those reports are completed, detailing accurately and completely the information
1425 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1426 and
1427 (iii) those omissions, errors, or inaccuracies [~~are~~] described in Subsection (1)(b)(ii) are
1428 explained, clearly shown, and corrected in an amended report or in the next scheduled report.
1429 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1430 for state school board, the lieutenant governor shall review each filed summary report to ensure
1431 that:
1432 (i) each state school board candidate that is required to file a summary report has filed
1433 one; and
1434 (ii) each summary report contains the information required by this part.
1435 (b) If it appears that any state school board candidate has failed to file the summary
1436 report required by law, if it appears that a filed summary report does not conform to the law, or
1437 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1438 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1439 violation or receipt of a written complaint, notify the state school board candidate of the
1440 violation or written complaint and direct the state school board candidate to file a summary
1441 report correcting the problem.
1442 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1443 summary report within 14 days after receiving notice from the lieutenant governor under this
1444 section.
1445 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1446 class B misdemeanor.
1447 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1448 attorney general.
1449 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1450 clerk shall review each filed summary report to ensure that:
1451 (i) each local school board candidate that is required to file a summary report has filed

1452 one; and

1453 (ii) each summary report contains the information required by this part.

1454 (b) If it appears that any local school board candidate has failed to file the summary
1455 report required by law, if it appears that a filed summary report does not conform to the law, or
1456 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1457 of any summary report, the county clerk shall, within five days of discovery of a violation or
1458 receipt of a written complaint, notify the local school board candidate of the violation or
1459 written complaint and direct the local school board candidate to file a summary report
1460 correcting the problem.

1461 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1462 summary report within 14 days after receiving notice from the county clerk under this section.

1463 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1464 class B misdemeanor.

1465 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1466 county attorney.

1467 Section 35. Section **20A-11-1402** is amended to read:

1468 **20A-11-1402. Definitions.**

1469 (1) As used in this part:

1470 (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda,
1471 judicial retention questions, opinion questions, or other questions submitted to the voters for
1472 their approval or rejection.

1473 [~~(b) (i) "Labor organization" means a lawful organization of any kind that is composed,
1474 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
1475 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
1476 employment, or other terms and conditions of employment.]~~

1477 [~~(ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each
1478 employee association and union for employees of public and private sector employers.]~~

1479 [~~(iii) "Labor organization" does not include organizations governed by the National
1480 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
1481 et seq.]~~

1482 [(c) (b) "Political fund" means a separate segregated fund established by a labor

1483 organization for political purposes that meets the requirements of this part.

1484 ~~[(c)]~~ (c) "Political purposes" means an act done with the intent or in a way to influence
 1485 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
 1486 against any candidate for public office at any caucus, political convention, ~~[primary,]~~ or
 1487 election.

1488 ~~[(d)]~~ (d) "Union dues" means dues, fees, monies, or other assessments required as a
 1489 condition of membership or participation in a labor organization.

1490 (2) Other terms defined in Section 20A-11-101 apply to this part.

1491 Section 36. Section **20A-11-1501** is enacted to read:

1492 **Part 15. Labor Organizations**

1493 **20A-11-1501. Campaign financial reporting of contributions -- Filing**
 1494 **requirements -- Statement contents.**

1495 (1) (a) Each labor organization that has made expenditures for political purposes or
 1496 political issues expenditures on current or proposed ballot issues that total at least \$750 during
 1497 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1498 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1499 (ii) seven days before the regular primary election date;

1500 (iii) on August 31; and

1501 (iv) seven days before the regular general election date.

1502 (b) The labor organization shall report:

1503 (i) a detailed listing of all expenditures made since the last statement; and

1504 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
 1505 expenditures as of five days before the required filing date of the financial statement.

1506 (c) The labor organization need not file a statement under this section if it made no
 1507 expenditures during the reporting period.

1508 (2) That statement shall include:

1509 (a) the name and address of each reporting entity that received an expenditure or

1510 political issues expenditure from the labor organization, and the amount of each expenditure or
 1511 political issues expenditure;

1512 (b) the total amount of expenditures disbursed by the labor organization; and

1513 (c) a statement by the labor organization's treasurer or chief financial officer certifying

1514 the accuracy of the financial report.

1515 Section 37. Section **20A-11-1502** is enacted to read:

1516 **20A-11-1502. Criminal penalties -- Fines.**

1517 (1) Within 30 days after a deadline for the filing of any statement required by this part,

1518 the lieutenant governor shall review each filed statement to ensure that:

1519 (a) each labor organization that is required to file a statement has filed one; and

1520 (b) each statement contains the information required by this part.

1521 (2) If it appears that any labor organization has failed to file any statement, if it appears

1522 that a filed statement does not conform to the law, or if the lieutenant governor has received a

1523 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant

1524 governor shall:

1525 (a) impose a fine against the labor organization in accordance with Section

1526 20A-11-1005; and

1527 (b) within five days of discovery of a violation or receipt of a written complaint, notify

1528 the labor organization of the violation or written complaint and direct the labor organization to

1529 file a statement correcting the problem.

1530 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement

1531 within 14 days after receiving notice from the lieutenant governor under this section.

1532 (b) Each labor organization who violates Subsection (3)(a) is guilty of a class B

1533 misdemeanor.

1534 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the

1535 attorney general.

1536 Section 38. Section **20A-12-303** is amended to read:

1537 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1538 (1) The judge or the judge's personal campaign committee shall deposit each

1539 contribution in one or more separate personal campaign accounts in a financial institution.

1540 (2) The judge or the judge's personal campaign committee may not deposit or mingle

1541 any contributions received into a personal or business account.

1542 (3) (a) As used in this Subsection (3), "received" means:

1543 (i) for a cash contribution, that the cash is given to a judge or the judge's personal

1544 campaign committee;

- 1545 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1546 instrument or check is negotiated; and
- 1547 (iii) for any other type of contribution, that any portion of the contribution's benefit
1548 inures to the judge.
- 1549 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1550 governor each contribution:
- 1551 (i) within 30 days after the contribution is received; and
1552 (ii) within 72 hours if the contribution is:
- 1553 (A) in excess of \$1,000; and
1554 (B) within the possession of the judge or the judge's personal campaign committee
1555 seven days before an election.
- 1556 Section 39. Section **20A-12-304** is amended to read:
- 1557 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1558 **requirements -- Year-end summary report.**
- 1559 (1) The judge's personal campaign committee shall file a summary report with the
1560 lieutenant governor by January 10 of the year after the regular general election year.
- 1561 (2) (a) Each summary report shall include the following information as of December 31
1562 of the last regular general election year:
- 1563 (i) a single figure equal to the total amount of contributions reported on the interim
1564 report;
- 1565 (ii) a single figure equal to the total amount of expenditures reported on the interim
1566 report;
- 1567 (iii) a detailed listing of each contribution received since the last summary report that
1568 has not been reported in detail on the interim report;
- 1569 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 1570 (v) a detailed listing of each expenditure made since the last summary report that has
1571 not been reported in detail on the interim report;
- 1572 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
1573 (vii) the net balance for the year, consisting of all contributions minus all expenditures.
- 1574 ~~[(b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported~~
1575 ~~without a separate detailed listing.]~~

1576 ~~[(ii) Two or more contributions from the same source for a total of more than \$50 may~~
1577 ~~not be reported in the aggregate, but shall be reported in the detailed listing.]~~

1578 (b) A check or negotiable instrument within the possession of a judge or the judge's
1579 personal campaign committee on or before December 31 of the previous year shall be
1580 negotiated and included in the summary report.

1581 (3) ~~[The summary report shall contain a statement signed by the]~~ The judge [certifying]
1582 shall certify in the summary report that, to the best of the judge's knowledge, all contributions
1583 and all expenditures have been reported as of December 31 of the last regular general election
1584 year and that there are no financial obligations outstanding except as set forth in the report.

1585 Section 40. Section **20A-12-305** is amended to read:

1586 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1587 **requirements -- Interim report.**

1588 (1) The judge's personal campaign committee shall file an interim report with the
1589 lieutenant governor ~~[no later than 5 p.m.]~~ before the close of normal office hours on the date
1590 seven days before the regular general election date.

1591 (2) Each interim report shall include the following information:

1592 (a) a detailed listing of each contribution received since the last ~~[summary report]~~
1593 financial statement;

1594 (b) for each nonmonetary contribution, the fair market value of the contribution;

1595 (c) a detailed listing of each expenditure made since the last summary report;

1596 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1597 (e) a net balance for the year consisting of all contributions since the last summary
1598 report minus all expenditures since the last summary report.

1599 ~~[(3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be~~
1600 ~~reported without separate detailed listings.]~~

1601 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1602 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1603 ~~[(4)]~~ (3) In preparing each interim report, all contributions and expenditures shall be
1604 reported as of five days before the required filing date of the report.

1605 (4) A negotiable instrument or check within the possession of a judge or the judge's
1606 personal campaign committee more than five days before the required filing date of a report

1607 required by this section shall be negotiated and included in the interim report.

1608 Section 41. Section **20A-12-306** is amended to read:

1609 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1610 (1) (a) If a judge's personal campaign committee fails to file the interim report due
1611 before the regular general election, the lieutenant governor shall, after making a reasonable
1612 attempt to discover if the report was timely [~~mailed, inform the county clerk and other~~
1613 ~~appropriate election officials who:] filed, impose a fine against the judge's personal campaign
1614 committee in accordance with Section 20A-11-1005.~~

1615 [~~(i) shall, if practicable, remove the name of the judge by blacking out the judge's name~~
1616 ~~before the ballots are delivered to voters; or]~~

1617 [~~(ii) shall, if removing the judge's name from the ballot is not practicable, inform the~~
1618 ~~voters by any practicable method that the judge has been disqualified and that votes cast for the~~
1619 ~~judge will not be counted; and]~~

1620 [~~(iii) may not count any votes for that judge.]~~

1621 [~~(b) Any judge who fails to file timely a financial statement required by this part is~~
1622 ~~disqualified.]~~

1623 [~~(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:]~~

1624 (b) The lieutenant governor may not impose a fine if:

1625 (i) the candidate timely files the reports required by this section in accordance with
1626 Section 20A-11-103;

1627 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
1628 information required by this part except for inadvertent omissions or insignificant errors or
1629 inaccuracies; and

1630 (iii) [~~those~~] the omissions, errors, or inaccuracies [~~are~~] described in Subsection
1631 (1)(b)(ii) are explained, clearly shown, and corrected in an amended report or in the next
1632 scheduled report.

1633 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1634 governor shall review each filed summary report to ensure that:

1635 (i) each judge that is required to file a summary report has filed one; and

1636 (ii) each summary report contains the information required by this part.

1637 (b) If it appears that any judge has failed to file the summary report required by law, if

1638 it appears that a filed summary report does not conform to the law, or if the lieutenant governor
1639 has received a written complaint alleging a violation of the law or the falsity of any summary
1640 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a
1641 written complaint, notify the judge of the violation or written complaint and direct the judge to
1642 file a summary report correcting the problem.

1643 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
1644 days after receiving notice from the lieutenant governor under this section.

1645 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1646 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1647 attorney general.

1648 Section 42. **Effective date.**

1649 This bill takes effect on January 1, 2011.

H.B. 329 3rd Sub. (Cherry) - Campaign Finance Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Provisions of this bill will require a one-time FY 2011 General Fund appropriation of \$140,000 for computer programming.

| | <u>FY 2010 Approp.</u> | <u>FY 2011 Approp.</u> | <u>FY 2012 Approp.</u> | <u>FY 2010 Revenue</u> | <u>FY 2011 Revenue</u> | <u>FY 2012 Revenue</u> |
|------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| General Fund, One-Time | \$0 | \$140,000 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$140,000 | \$0 | \$0 | \$0 | \$0 |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.