

**Representative Brian S. King** proposes the following substitute bill:

**CAMPAIGN FINANCE AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ben C. Ferry**

Senate Sponsor: \_\_\_\_\_

---

**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     ▶ establishes contribution limits;
- 29     ▶ directs the chief election officer to index the contribution limits for inflation;
- 30     ▶ makes a violation of contribution limits a class B misdemeanor;
- 31     ▶ authorizes the lieutenant governor to enforce contribution limits;
- 32     ▶ prohibits earmarking contributions made to a political party or a political action
- 33 committee;
- 34     ▶ prohibits making a campaign contribution in another's name;
- 35     ▶ repeals provisions that allow the aggregate reporting of contributions less than \$50;
- 36     ▶ requires a corporation to disclose certain contracts with the state;
- 37     ▶ requires a filing entity to report an expenditure:
  - 38         • made by a vendor on the filing entity's behalf; and
  - 39         • for transactions on a financial transaction card;
- 40     ▶ establishes reporting requirements for labor organizations; and
- 41     ▶ makes technical changes.

42 **Monies Appropriated in this Bill:**

43     None

44 **Other Special Clauses:**

45     This bill takes effect on January 1, 2011.

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48     **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361
- 49     **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 50     **20A-11-201**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 51     **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361
- 52     **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361
- 53     **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202
- 54     **20A-11-301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 55     **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361
- 56     **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361

- 57           **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202
- 58           **20A-11-401**, as last amended by Laws of Utah 2009, Chapter 361
- 59           **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355
- 60           **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 61           **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14
- 62           **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14
- 63           **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 64           **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14
- 65           **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14
- 66           **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14
- 67           **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355
- 68           **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 69           **20A-11-901**, as enacted by Laws of Utah 1995, Chapter 1
- 70           **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355
- 71           **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317
- 72           **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 73           **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361
- 74           **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361
- 75           **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14
- 76           **20A-11-1402**, as last amended by Laws of Utah 2004, Chapter 220
- 77           **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166
- 78           **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14
- 79           **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166
- 80           **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

81 ENACTS:

- 82           **20A-11-509**, Utah Code Annotated 1953
- 83           **20A-11-510**, Utah Code Annotated 1953
- 84           **20A-11-604**, Utah Code Annotated 1953
- 85           **20A-11-605**, Utah Code Annotated 1953
- 86           **20A-11-705**, Utah Code Annotated 1953
- 87           **20A-11-904**, Utah Code Annotated 1953

- 88           **20A-11-1005**, Utah Code Annotated 1953
- 89           **20A-11-1006**, Utah Code Annotated 1953
- 90           **20A-11-1501**, Utah Code Annotated 1953
- 91           **20A-11-1601**, Utah Code Annotated 1953
- 92           **20A-11-1602**, Utah Code Annotated 1953
- 93           **20A-11-1603**, Utah Code Annotated 1953



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

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

97           **20A-11-101. Definitions.**

98           As used in this chapter:

- 99           (1) "Address" means the number and street where an individual resides or where a
- 100 reporting entity has its principal office.
- 101           (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 102 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 103 the Utah Code Annotated 1953.
- 104           (3) "Candidate" means any person who:
- 105           (a) files a declaration of candidacy for a public office; or
- 106           (b) receives contributions, makes expenditures, or gives consent for any other person to
- 107 receive contributions or make expenditures to bring about the person's nomination or election
- 108 to a public office.
- 109           (4) "Cash" means currency or coinage that constitutes legal tender.
- 110           ~~[(4)]~~ (5) "Chief election officer" means:
- 111           (a) the lieutenant governor for state office candidates, legislative office candidates,
- 112 officeholders, political parties, political action committees, corporations, political issues
- 113 committees, ~~[and]~~ state school board candidates, judges, and labor organizations; and
- 114           (b) the county clerk for local school board candidates.
- 115           ~~[(5) "Continuing political party" means an organization of voters that participated in~~
- 116 ~~the last regular general election and polled a total vote equal to 2% or more of the total votes~~
- 117 ~~cast for all candidates for the United States House of Representatives.]~~
- 118           (6) (a) "Contribution" means any of the following when done for political purposes:

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

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

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

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

128 (v) remuneration from:

129 (A) any organization or its directly affiliated organization that has a registered lobbyist  
130 [~~to compensate a legislator for a loss of salary or income while the Legislature is in session~~]; or

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

132 (B) any agency or subdivision of the state, including school districts[~~, for the period~~  
133 ~~the Legislature is in session~~]; and

134 [~~(vii)~~ (vi) goods or services provided to or for the benefit of the filing entity at less  
135 than fair market value.

136 (b) "Contribution" does not include:

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

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

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

144 (7) "Contribution cycle" means a two-year period of time:

145 (a) beginning January 1 of an odd-numbered year; and

146 (b) ending December 31 of an even-numbered year immediately following an  
147 odd-numbered year described in Subsection (7)(a).

148 [~~(7)~~ (8) "Coordinated with" means that goods or services provided for the benefit of a  
149 candidate or political party are provided:

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

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

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

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

156 ~~[(8)]~~ (9) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
157 organization that is registered as a corporation or is authorized to do business in a state and  
158 makes any expenditure from corporate funds for:

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

160 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
161 proposition.

162 (b) "Corporation" does not mean:

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

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

165 ~~[(9)]~~ (10) "Detailed listing" means:

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

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

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

170 (iii) the date the contribution or public service assistance was made; ~~[and]~~

171 (b) for each expenditure:

172 (i) the amount of the expenditure;

173 (ii) the person or entity to whom ~~[it]~~ the expenditure was disbursed, including a  
174 transaction on a financial transaction card, as defined in Section 76-6-506;

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

176 (iv) the date the expenditure was made~~[-]; and~~

177 (c) for each expenditure made by a vendor that benefits the filing entity:

178 (i) the amount of the expenditure;

179 (ii) the person or entity to whom the expenditure was disbursed;

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

181 (iv) the date the expenditure was made.

182 [~~(10)~~] (11) "Election" means each:

183 (a) regular general election;

184 (b) regular primary election; and

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

186 (12) "Electioneering communication" means a communication that:

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

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

189 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

190 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly

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

192 [~~(11)~~] (13) (a) "Expenditure" means:

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

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

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

200 (iv) compensation paid by [~~a corporation or~~] a filing entity for personal services  
201 rendered by a person without charge to a reporting entity;

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

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

206 (b) "Expenditure" does not include:

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

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

211 (iii) anything listed in Subsection [~~(11)~~] (13)(a) that is given by [~~a corporation or~~] a

212 reporting entity to candidates for office or officeholders in states other than Utah.

213 ~~[(12)]~~ (14) "Filing entity" means the reporting entity that is ~~[filing]~~ required to file a  
214 financial statement required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention  
215 Elections.

216 ~~[(13)]~~ (15) "Financial statement" includes any summary report, interim report, verified  
217 financial statement, or other statement disclosing contributions, expenditures, receipts,  
218 donations, or disbursements that is required by this chapter or Title 20A, Chapter 12, Part 2,  
219 Judicial Retention Elections.

220 ~~[(14)]~~ (16) "Governing board" means the individual or group of individuals that  
221 determine the candidates and committees that will receive expenditures from a political action  
222 committee, political party, or corporation.

223 ~~[(15)]~~ (17) "Incorporation" means the process established by Title 10, Chapter 2, Part  
224 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

225 ~~[(16)]~~ (18) "Incorporation election" means the election authorized by Section 10-2-111.

226 ~~[(17)]~~ (19) "Incorporation petition" means a petition authorized by Section 10-2-109.

227 ~~[(18)]~~ (20) "Individual" means a natural person.

228 ~~[(19)]~~ (21) "Interim report" means a report identifying the contributions received and  
229 expenditures made since the last report.

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

234 (b) Except as provided in Subsection (22)(c), "labor organization" includes each  
235 employee association and union for employees of public and private sector employers.

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

239 ~~[(20)]~~ (23) "Legislative office" means the office of state senator, state representative,  
240 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
241 assistant whip of any party caucus in either house of the Legislature.

242 ~~[(21)]~~ (24) "Legislative office candidate" means a person who:

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

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

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

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

253 ~~[(23)]~~ (25) "Officeholder" means a person who holds a public office.

254 ~~[(24)]~~ (26) "Party committee" means any committee organized by or authorized by the  
255 governing board of a registered political party.

256 ~~[(25)]~~ (27) "Person" means both natural and legal persons, including individuals,  
257 business organizations, personal campaign committees, party committees, political action  
258 committees, political issues committees, labor unions, and labor organizations.

259 ~~[(26)]~~ (28) "Personal campaign committee" means the committee appointed by a  
260 candidate to act for the candidate as provided in this chapter.

261 ~~[(27)]~~ (29) (a) "Political action committee" means an entity, or any group of  
262 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

272 (i) a party committee;

273 (ii) any entity that provides goods or services to a candidate or committee in the regular

274 course of its business at the same price that would be provided to the general public;  
275 (iii) an individual;  
276 (iv) individuals who are related and who make contributions from a joint checking  
277 account;  
278 (v) a corporation, except a corporation a major purpose of which is to act as a political  
279 action committee; or  
280 (vi) a personal campaign committee.

281 [~~28~~] (30) "Political convention" means a county or state political convention held by  
282 a registered political party to select candidates.

283 [~~29~~] (31) (a) "Political issues committee" means an entity, or any group of individuals  
284 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

297 (iii) an individual;

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

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

302 [~~30~~] (32) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

318 [~~31~~] (33) (a) "Political issues expenditure" means any of the following:

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

321 (A) a ballot proposition; or

322 (B) an incorporation petition or incorporation election;

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

325 (A) a ballot proposition; or

326 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

338 ~~[(32)]~~ (34) "Political purposes" means an act done with the intent or in a way to  
339 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote  
340 for or against any candidate ~~[for public office]~~ or a person seeking a municipal or county office  
341 at any caucus, political convention, ~~[primary;]~~ or election.

342 ~~[(33)]~~ (35) "Primary election" means any regular primary election held under the  
343 election laws.

344 ~~[(34)]~~ (36) "Public office" means the office of governor, lieutenant governor, state  
345 auditor, state treasurer, attorney general, state or local school board member, state senator, state  
346 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
347 whip, and assistant whip of any party caucus in either house of the Legislature.

348 ~~[(35)]~~ (37) (a) "Public service assistance" means the following when given or provided  
349 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
350 communicate with the officeholder's constituents:

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

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

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

356 (i) anything provided by the state;

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

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

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

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

365 ~~[(36)]~~ (38) "Publicly identified class of individuals" means a group of 50 or more  
366 individuals sharing a common occupation, interest, or association that contribute to a political

367 action committee or political issues committee and whose names can be obtained by contacting  
368 the political action committee or political issues committee upon whose financial ~~[report they]~~  
369 statement the individuals are listed.

370 ~~[(37)]~~ (39) "Receipts" means contributions and public service assistance.

371 ~~[(38)]~~ (40) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
372 Lobbyist Disclosure and Regulation Act.

373 ~~[(39)]~~ (41) "Registered political action committee" means any political action  
374 committee that is required by this chapter to file a statement of organization with the lieutenant  
375 governor's office.

376 ~~[(40)]~~ (42) "Registered political issues committee" means any political issues  
377 committee that is required by this chapter to file a statement of organization with the lieutenant  
378 governor's office.

379 ~~[(41)]~~ (43) "Registered political party" means an organization of voters that:

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

383 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter  
384 8, Political Party Formation and Procedures.

385 (44) (a) "Remuneration" means a payment:

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

387 (ii) that is approximately equivalent to an amount a legislator would have earned

388 during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

394 ~~[(42)]~~ (45) "Reporting entity" means a candidate, a candidate's personal campaign

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

396 committee, a political action committee, ~~[and]~~ a political issues committee, a corporation, or a

397 labor organization.

398            [~~(43)~~] (46) "School board office" means the office of state school board or local school  
399 board.

400            (47) "Solicitation and administration costs" means the cost of office space, phones,  
401 salaries, utilities, supplies, legal and accounting fees, fund-raising, and other expenses incurred  
402 in setting up and running a political action committee established by a corporation or labor  
403 organization.

404            [~~(44)~~] (48) (a) "Source" means the person or entity that is the legal owner of the  
405 tangible or intangible asset that comprises the contribution.

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

409            [~~(45)~~] (49) "State office" means the offices of governor, lieutenant governor, attorney  
410 general, state auditor, and state treasurer.

411            [~~(46)~~] (50) "State office candidate" means a person who:

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

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

416            [~~(47)~~] (51) "Summary report" means the year end report containing the summary of a  
417 reporting entity's contributions and expenditures.

418            [~~(48)~~] (52) "Supervisory board" means the individual or group of individuals that  
419 allocate expenditures from a political issues committee.

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

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

424            **20A-11-103. Notice of pending interim and summary reports -- Form of**  
425 **submission -- Public availability -- Notice of local filings.**

426            (1) (a) Except as provided under Subsection (1)(b), 10 days before [~~a financial~~  
427 ~~statement from a state office candidate, legislative office candidate, officeholder, state school~~  
428 ~~board candidate, political party, political action committee, political issues committee, or~~

429 ~~judge]~~ an interim report or summary report is due under this chapter~~;~~ or Chapter 12, Part 2,  
430 Judicial Retention Elections, the ~~[lieutenant governor]~~ chief election officer shall inform ~~[those~~  
431 ~~candidates, officeholders, parties, committees, and judges]~~ the filing entity by postal mail or, if  
432 requested by the ~~[candidate, officeholder, party, committee, or judge]~~ filing entity, by electronic  
433 mail:

- 434 (i) that the financial statement is due;  
435 (ii) of the date that the financial statement is due; and  
436 (iii) of the penalty for failing to file the financial statement.

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

442 ~~[(iv) if the notification is sent to a political party, political action committee, or~~  
443 ~~political issues committee in reference to an interim report or a verified financial statement,~~  
444 ~~that the entity may be guilty of a class B misdemeanor for failing to file the report or statement;~~  
445 ~~and]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 (ii) for a ~~[campaign finance statement]~~ summary report or interim report filed under the  
490 requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than

491 [~~seven~~] three business days after the date the statement is [~~due~~] electronically filed; and  
492 (iii) for a financial statement required by Subsections 20A-11-201(5)(b),  
493 20A-11-301(6)(b), 20A-11-602(4), 20A-11-802(3), 20A-11-901(2), 20A-11-1301(6)(b), and  
494 20A-12-303(3)(b), and Section 20A-11-510, no later than one business day after the date the  
495 statement is electronically filed.

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

500 Section 3. Section **20A-11-201** is amended to read:

501 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

535 Section 4. Section **20A-11-203** is amended to read:

536 **20A-11-203. State office candidate -- Financial reporting requirements --**  
537 **Year-end summary report.**

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

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

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

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

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

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

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

553 (v) for each nonmonetary contribution:

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

556 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

577 Section 5. Section **20A-11-204** is amended to read:

578 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**  
579 **reports.**

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

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

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

- 584 (c) August 31; and  
585 (d) seven days before the regular general election date.  
586 (2) Each interim report shall include the following information:  
587 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;  
588 (b) a single figure equal to the total amount of receipts reported on all prior interim  
589 reports, if any, during the calendar year in which the interim report is due;  
590 (c) a single figure equal to the total amount of expenditures reported on all prior  
591 interim reports, if any, filed during the calendar year in which the interim report is due;  
592 (d) a detailed listing of each contribution and public service assistance received since  
593 the last summary report that has not been reported in detail on a prior interim report;  
594 (e) for each nonmonetary contribution:  
595 (i) the fair market value of the contribution with that information provided by the  
596 contributor; and  
597 (ii) a specific description of the contribution;  
598 (f) a detailed listing of each expenditure made since the last summary report that has  
599 not been reported in detail on a prior interim report;  
600 (g) for each nonmonetary expenditure, the fair market value of the expenditure;  
601 (h) a net balance for the year consisting of the net balance from the last summary  
602 report, if any, plus all receipts since the last summary report minus all expenditures since the  
603 last summary report; and  
604 (i) a summary page in the form required by the lieutenant governor that identifies:  
605 (i) beginning balance;  
606 (ii) total contributions during the period since the last statement;  
607 (iii) total contributions to date;  
608 (iv) total expenditures during the period since the last statement; and  
609 (v) total expenditures to date.  
610 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~  
611 ~~single aggregate figure may be reported without separate detailed listings.]~~  
612 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~  
613 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~  
614 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be

615 reported as of five days before the required filing date of the report.

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

620 Section 6. Section **20A-11-206** is amended to read:

621 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

647 (B) the next scheduled report.

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

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

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

653 (b) If it appears that any state office candidate has failed to file the summary report  
654 required by law, if it appears that a filed summary report does not conform to the law, or if the  
655 lieutenant governor has received a written complaint alleging a violation of the law or the  
656 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
657 violation or receipt of a written complaint, notify the state office candidate of the violation or  
658 written complaint and direct the state office candidate to file a summary report correcting the  
659 problem.

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

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

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

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

667 **20A-11-301. Legislative office candidate -- Campaign requirements.**

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

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

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

675 (4) If a person who is no longer a legislative candidate chooses not to expend the  
676 monies remaining in a campaign account, the person shall continue to file the year-end

677 summary report required by Section 20A-11-302 until the statement of dissolution and final  
678 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

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

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

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

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

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

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

694 (b) Each legislative office candidate shall report to the lieutenant governor each  
695 contribution and public service assistance [~~to the lieutenant governor~~]:

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

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

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

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

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

701 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**  
702 **Year-end summary report.**

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

705 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the  
706 requirements of Subsection (1)(a), a former legislative office candidate that has not filed the  
707 statement of dissolution and final summary report required under Section 20A-11-304 shall

708 continue to file a summary report on January 10 of each year.

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

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

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

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

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

718 (v) for each nonmonetary contribution:

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

721 (B) a specific description of the contribution;

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

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

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

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

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

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

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

736 (3) [~~The summary report shall contain a paragraph signed by the~~] The legislative office  
737 candidate [~~certifying~~] shall certify in the summary report that to the best of the candidate's  
738 knowledge, all receipts and all expenditures have been reported as of December 31 of the

739 previous year and that there are no bills or obligations outstanding and unpaid except as set  
740 forth in that report.

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

742 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**  
743 **Interim reports.**

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

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

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

748 (c) August 31; and

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

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

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

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

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

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

758 (e) for each nonmonetary contribution:

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

761 (ii) a specific description of the contribution;

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

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

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

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

769 (i) beginning balance;

- 770 (ii) total contributions during the period since the last statement;  
771 (iii) total contributions to date;  
772 (iv) total expenditures during the period since the last statement; and  
773 (v) total expenditures to date.

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

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

778 [~~(4)~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be  
779 reported as of five days before the required filing date of the report.

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

783 Section 10. Section **20A-11-305** is amended to read:

784 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

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

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

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

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

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

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

801           **(b) The lieutenant governor may not impose the fine if:**  
802           (i) the candidate timely files the reports required by this section no later than the due  
803 date in accordance with Section 20A-11-103;  
804           (ii) [~~those~~] the reports are completed, detailing accurately and completely the  
805 information required by this part except for inadvertent omissions or insignificant errors or  
806 inaccuracies; and  
807           (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are  
808 explained, clearly shown, and corrected in:  
809           **(A)** an amended report; or [~~in~~]  
810           **(B)** the next scheduled report.  
811           (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
812 governor shall review each filed summary report to ensure that:  
813           (i) each legislative office candidate that is required to file a summary report has filed  
814 one; and  
815           (ii) each summary report contains the information required by this part.  
816           (b) If it appears that any legislative office candidate has failed to file the summary  
817 report required by law, if it appears that a filed summary report does not conform to the law, or  
818 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
819 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
820 violation or receipt of a written complaint, notify the legislative office candidate of the  
821 violation or written complaint and direct the legislative office candidate to file a summary  
822 report correcting the problem.  
823           (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a  
824 summary report within 14 days after receiving notice from the lieutenant governor under this  
825 section.  
826           (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a  
827 class B misdemeanor.  
828           (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
829 attorney general.  
830           Section 11. Section **20A-11-401** is amended to read:  
831           **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**

832 **report.**

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

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

838 (i) this section; and

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

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

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

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

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

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

850 (v) for each nonmonetary contribution:

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

853 (B) a specific description of the contribution;

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

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

856 (viii) a net balance for the year consisting of the net balance from the last summary  
857 report plus all receipts minus all expenditures.

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

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

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

863 December 31 of the previous year.

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

868 Section 12. Section **20A-11-403** is amended to read:

869 **20A-11-403. Failure to file -- Penalties.**

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

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

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

874 (2) If it appears that any officeholder has failed to file the summary report required by  
875 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
876 governor has received a written complaint alleging a violation of the law or the falsity of any  
877 summary report, the lieutenant governor shall[;]:

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

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

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

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

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

888 Section 13. Section **20A-11-506** is amended to read:

889 **20A-11-506. Political party financial reporting requirements -- Year-end**  
890 **summary report.**

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

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

894 of the previous year:

- 895 (i) the net balance of the last summary report, if any;
- 896 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
897 if any, during the previous year;
- 898 (iii) a single figure equal to the total amount of expenditures reported on all interim  
899 reports, if any, filed during the previous year;
- 900 (iv) a detailed listing of each contribution and public service assistance received since  
901 the last summary report that has not been reported in detail on an interim report;
- 902 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 903 (vi) a detailed listing of each expenditure made since the last summary report that has  
904 not been reported in detail on an interim report;
- 905 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 906 (viii) a net balance for the year consisting of the net balance from the last summary  
907 report, if any, plus all receipts minus all expenditures.

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

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

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

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

918 Section 14. Section **20A-11-507** is amended to read:

919 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

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

- 925            ~~[(b)]~~ (d) seven days before the general election date.
- 926            (2) Each interim report shall include the following information:
- 927            (a) the net balance of the last ~~[summary report]~~ financial statement, if any;
- 928            (b) a single figure equal to the total amount of receipts reported on all prior interim
- 929 reports, if any, during the calendar year in which the interim report is due;
- 930            (c) a single figure equal to the total amount of expenditures reported on all prior
- 931 interim reports, if any, filed during the calendar year in which the interim report is due;
- 932            (d) a detailed listing of each contribution and public service assistance received since
- 933 the last summary report that has not been reported in detail on a prior interim report;
- 934            (e) for each nonmonetary contribution, the fair market value of the contribution;
- 935            (f) a detailed listing of each expenditure made since the last summary report that has
- 936 not been reported in detail on a prior interim report;
- 937            (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 938            (h) a net balance for the year consisting of the net balance from the last summary
- 939 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 940 last summary report; and
- 941            (i) a summary page in the form required by the lieutenant governor that identifies:
- 942            (i) beginning balance;
- 943            (ii) total contributions during the period since the last statement;
- 944            (iii) total contributions to date;
- 945            (iv) total expenditures during the period since the last statement; and
- 946            (v) total expenditures to date.

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

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

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

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

951            ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be

952 reported as of five days before the required filing date of the report.

953            Section 15. Section **20A-11-508** is amended to read:

954            **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

955            (1) (a) Each registered political party that fails to file ~~[the interim reports due on~~

956 ~~August 31 or before the regular general election is]~~ an interim report by the due date is:

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

958 (ii) guilty of a class B misdemeanor.

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

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

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

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

965 (3) If it appears that any political party has failed to file a report required by law, if it  
966 appears that a filed report does not conform to the law, or if the lieutenant governor has  
967 received a written complaint alleging a violation of the law or the falsity of any report, the  
968 lieutenant governor shall, within five days of discovery of a violation or receipt of a written  
969 complaint, notify the political party of the violation or written complaint and direct the political  
970 party to file a summary report correcting the problem.

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

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

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

977 Section 16. Section **20A-11-509** is enacted to read:

978 **20A-11-509. Designation of contribution's use prohibited.**

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

981 Section 17. Section **20A-11-510** is enacted to read:

982 **20A-11-510. Reporting of contributions over \$1,000.**

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

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

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

987 Section 18. Section **20A-11-602** is amended to read:

988 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

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

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

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

1000 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under  
1001 Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the  
1002 required filing date of the financial statement.

1003 (c) The registered political action committee need not file a statement under this  
1004 section if it received no contributions and made no expenditures during the reporting period.

1005 (2) ~~[(a)]~~ The verified financial statement shall include:

1006 ~~[(i)]~~ (a) the name~~[-]~~ and address~~[-]~~ ~~and occupation~~ of any individual that makes a  
1007 contribution to the reporting political action committee, and the amount of the contribution;

1008 ~~[(ii)]~~ (b) the identification of any publicly identified class of individuals that makes a  
1009 contribution to the reporting political action committee, and the amount of the contribution;

1010 ~~[(iii)]~~ (c) the name and address of any political action committee, group, or entity that  
1011 makes a contribution to the reporting political action committee, and the amount of the  
1012 contribution;

1013 ~~[(iv)]~~ (d) for each nonmonetary contribution, the fair market value of the contribution;

1014 ~~[(v)]~~ (e) the name and address of each reporting entity that received an expenditure  
1015 from the reporting political action committee, and the amount of each expenditure;

1016 ~~[(vi)]~~ (f) for each nonmonetary expenditure, the fair market value of the expenditure;

1017 ~~[(vii)]~~ (g) the total amount of contributions received and expenditures disbursed by the

1018 reporting political action committee;

1019 ~~[(viii) a paragraph signed]~~ (h) a statement by the political action committee's treasurer  
1020 or chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's  
1021 knowledge, the financial report is accurate; and

1022 ~~[(ix)]~~ (i) a summary page in the form required by the lieutenant governor that  
1023 identifies:

1024 ~~[(A)]~~ (i) beginning balance;

1025 ~~[(B)]~~ (ii) total contributions during the period since the last statement;

1026 ~~[(C)]~~ (iii) total contributions to date;

1027 ~~[(D)]~~ (iv) total expenditures during the period since the last statement; and

1028 ~~[(E)]~~ (v) total expenditures to date.

1029 ~~[(b) (i) Contributions received by a political action committee that have a value of \$50~~  
1030 ~~or less need not be reported individually, but shall be listed on the report as an aggregate total.]~~

1031 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~  
1032 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1033 (3) A group or entity may not divide or separate into units, sections, or smaller groups  
1034 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
1035 shall prevail over form in determining the scope or size of a political action committee.

1036 (4) A registered political action committee shall report to the lieutenant governor each  
1037 contribution received within 72 hours if the contribution is:

1038 (a) in excess of \$1,000; and

1039 (b) within the political action committee's possession seven days before an election or  
1040 municipal election.

1041 Section 19. Section **20A-11-603** is amended to read:

1042 **20A-11-603. Criminal penalties -- Fines.**

1043 (1) (a) Each political action committee that fails to file the statement due before the  
1044 regular primary election, on August 31 or before the regular general session is;

1045 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

1046 (ii) guilty of a class B misdemeanor.

1047 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the  
1048 attorney general.

1049 (2) Within 30 days after a deadline for the filing of the January 10 statement required  
1050 by this part, the lieutenant governor shall review each filed statement to ensure that:

1051 (a) each political action committee that is required to file a statement has filed one; and

1052 (b) each statement contains the information required by this part.

1053 (3) If it appears that any political action committee has failed to file the January 10  
1054 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant  
1055 governor has received a written complaint alleging a violation of the law or the falsity of any  
1056 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt  
1057 of a written complaint, notify the political action committee of the violation or written  
1058 complaint and direct the political action committee to file a statement correcting the problem.

1059 (4) (a) It is unlawful for any political action committee to fail to file or amend a  
1060 statement within 14 days after receiving notice from the lieutenant governor under this section.

1061 (b) Each political action committee who violates Subsection (4)(a) is guilty of a class B  
1062 misdemeanor.

1063 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the  
1064 attorney general.

1065 Section 20. Section **20A-11-604** is enacted to read:

1066 **20A-11-604. Limits on contributions by political action committees.**

1067 (1) (a) A political action committee may not make contributions totaling more than the  
1068 following amounts per contribution cycle:

1069 (i) \$10,000 to one state office candidate;

1070 (ii) \$5,000 to one legislative office candidate;

1071 (iii) \$5,000 to one school board office candidate;

1072 (iv) \$5,000 to one judge;

1073 (v) \$40,000 to one registered political party;

1074 (vi) \$10,000 to one political action committee; or

1075 (vii) \$50,000 in the aggregate to one or more:

1076 (A) registered political parties;

1077 (B) labor organizations; and

1078 (C) political action committees.

1079 (b) A political action committee may make a contribution to more than one candidate

1080 or judge, or multiple contributions to one candidate or judge, except that the total contributions  
1081 by the political action committee to one candidate or judge in a contribution cycle may not  
1082 exceed the amounts described in Subsections (1)(a)(i) through (iv).

1083 (2) The chief election officer shall adjust the dollar amounts listed in Subsection (1) for  
1084 inflation as provided by Section 20A-11-1006.

1085 (3) Solicitation or administrative costs incurred by a political action committee are  
1086 excluded from the contribution limits specified in Subsection (1).

1087 (4) A political action committee may not make a cash contribution in excess of \$100.

1088 Section 21. Section **20A-11-605** is enacted to read:

1089 **20A-11-605. Designation of contribution's use prohibited.**

1090 A person making a contribution to a political action committee may not request that the  
1091 political action committee expend the contribution in a way to benefit a specific candidate.

1092 Section 22. Section **20A-11-701** is amended to read:

1093 **20A-11-701. Campaign financial reporting of candidate campaign contributions**  
1094 **by corporations -- Filing requirements -- Statement contents.**

1095 (1) (a) Each corporation that has made expenditures for political purposes that total at  
1096 least \$750 during a calendar year shall file a verified financial statement with the lieutenant  
1097 governor's office ~~[on]~~:

1098 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1099 (ii) seven days before the regular primary election date;

1100 ~~[(ii)]~~ (iii) on August 31; and

1101 ~~[(iii)]~~ (iv) seven days before the regular general election date.

1102 (b) The corporation shall report:

1103 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~

1104 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under  
1105 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing  
1106 date of the financial statement[-]; and

1107 (iii) whether the corporation, including an officer, director, spouse, or person with at  
1108 least 10% ownership in the corporation:

1109 (A) has bid since the last financial statement on a contract, as defined in Section

1110 63G-6-103, in excess of \$100,000;

1111 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of  
 1112 \$100,000; or

1113 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.

1114 (c) The corporation need not file a statement under this section if it made no  
 1115 expenditures during the reporting period.

1116 (2) That statement shall include:

1117 (a) the name and address of each reporting entity that received an expenditure from the  
 1118 corporation, and the amount of each expenditure;

1119 (b) the total amount of expenditures disbursed by the corporation; and

1120 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~  
 1121 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the  
 1122 financial report.

1123 Section 23. Section **20A-11-702** is amended to read:

1124 **20A-11-702. Campaign financial reporting of political issues expenditures by**  
 1125 **corporations -- Financial reporting.**

1126 (1) (a) Each corporation that has made political issues expenditures on current or  
 1127 proposed ballot issues that total at least \$750 during a calendar year shall file a verified  
 1128 financial statement with the lieutenant governor's office ~~[on]~~:

1129 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1130 (ii) seven days before the regular primary election date;

1131 ~~[(ii)]~~ (iii) on August 31; and

1132 ~~[(iii)]~~ (iv) seven days before the regular general election date.

1133 (b) The corporation shall report:

1134 (i) a detailed listing of all expenditures made since the last statement; and

1135 (ii) for financial statements ~~[filed on August 31 and before the primary and general~~  
 1136 ~~elections]~~ under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the  
 1137 required filing date of the financial statement.

1138 (c) The corporation need not file a statement under this section if it made no  
 1139 expenditures during the reporting period.

1140 (2) That statement shall include:

1141 (a) the name and address of each individual, entity, or group of individuals or entities

1142 that received a political issues expenditure [~~of more than \$50~~] from the corporation, and the  
1143 amount of each political issues expenditure;

1144 (b) the total amount of political issues expenditures disbursed by the corporation; and

1145 (c) [~~a paragraph signed~~] a statement by the corporation's treasurer or chief financial  
1146 officer [~~verifying~~] certifying the accuracy of the verified financial statement.

1147 Section 24. Section **20A-11-703** is amended to read:

1148 **20A-11-703. Criminal penalties -- Fines.**

1149 (1) Within 30 days after a deadline for the filing of any statement required by this part,  
1150 the lieutenant governor shall review each filed statement to ensure that:

1151 (a) each corporation that is required to file a statement has filed one; and

1152 (b) each statement contains the information required by this part.

1153 (2) If it appears that any corporation has failed to file any statement, if it appears that a  
1154 filed statement does not conform to the law, or if the lieutenant governor has received a written  
1155 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor  
1156 shall[;]:

1157 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

1158 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1159 the corporation of the violation or written complaint and direct the corporation to file a  
1160 statement correcting the problem.

1161 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14  
1162 days after receiving notice from the lieutenant governor under this section.

1163 (b) Each corporation who violates Subsection (3)(a) is guilty of a class B misdemeanor.

1164 (c) The lieutenant governor shall report all violations of [~~this~~] Subsection (3)(a) to the  
1165 attorney general.

1166 Section 25. Section **20A-11-705** is enacted to read:

1167 **20A-11-705. Limits on contributions by corporations.**

1168 (1) (a) A corporation may not make contributions totaling more than the following  
1169 amounts per contribution cycle:

1170 (i) \$10,000 to one state office candidate;

1171 (ii) \$5,000 to one legislative office candidate;

1172 (iii) \$5,000 to one school board office candidate;

- 1173 (iv) \$5,000 to one judge;  
1174 (v) \$40,000 to one registered political party;  
1175 (vi) \$10,000 to one political action committee; or  
1176 (vii) \$50,000 in the aggregate to one or more:  
1177 (A) registered political parties;  
1178 (B) labor organizations; and  
1179 (C) political action committees.
- 1180 (b) A corporation may make a contribution to more than one candidate or judge, or  
1181 multiple contributions to one candidate or judge, except that the total contributions by the  
1182 corporation to one candidate or judge in a contribution cycle may not exceed the amounts  
1183 described in Subsections (1)(a)(i) through (iv).
- 1184 (2) The chief election officer shall adjust the dollar amounts listed in Subsection (1) for  
1185 inflation as provided by Section 20A-11-1006.
- 1186 (3) Solicitation or administrative costs incurred by a corporation are excluded from the  
1187 contribution limits specified in Subsection (1).
- 1188 (4) A corporation may not make a cash contribution in excess of \$100.
- 1189 Section 26. Section **20A-11-802** is amended to read:
- 1190 **20A-11-802. Political issues committees -- Financial reporting.**
- 1191 (1) (a) Each registered political issues committee that has received political issues  
1192 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
1193 \$50, during a calendar year, shall file a verified financial statement with the lieutenant  
1194 governor's office:
- 1195 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
1196 previous year;
- 1197 (ii) seven days before the date of an incorporation election, if the political issues  
1198 committee has received donations or made disbursements to affect an incorporation;
- 1199 (iii) at least three days before the first public hearing held as required by Section  
1200 20A-7-204.1;
- 1201 (iv) if the political issues committee has received or expended funds in relation to an  
1202 initiative or referendum, at the time the initiative or referendum sponsors submit:
- 1203 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1204 (B) the signed and verified referendum packets as required by Section 20A-7-306;  
1205 (v) on August 31; and  
1206 (vi) seven days before the regular general election.

1207 (b) The political issues committee shall report:  
1208 (i) a detailed listing of all contributions received and expenditures made since the last  
1209 statement; and

1210 (ii) for financial statements filed on August 31 and before the general election, all  
1211 contributions and expenditures as of three days before the required filing date of the financial  
1212 statement.

1213 (c) The political issues committee need not file a statement under this section if it  
1214 received no contributions and made no expenditures during the reporting period.

1215 (2) (a) That statement shall include:

1216 (i) the name[;] and address[; ~~and occupation~~] of any individual that makes a political  
1217 issues contribution to the reporting political issues committee, and the amount of the political  
1218 issues contribution;

1219 (ii) the identification of any publicly identified class of individuals that makes a  
1220 political issues contribution to the reporting political issues committee, and the amount of the  
1221 political issues contribution;

1222 (iii) the name and address of any political issues committee, group, or entity that makes  
1223 a political issues contribution to the reporting political issues committee, and the amount of the  
1224 political issues contribution;

1225 (iv) the name and address of each reporting entity that makes a political issues  
1226 contribution to the reporting political issues committee, and the amount of the political issues  
1227 contribution;

1228 (v) for each nonmonetary contribution, the fair market value of the contribution;

1229 (vi) [~~except as provided in Subsection (2)(c);~~] the name and address of each individual,  
1230 entity, or group of individuals or entities that received a political issues expenditure [~~of more~~  
1231 ~~than \$50~~] from the reporting political issues committee, and the amount of each political issues  
1232 expenditure;

1233 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1234 (viii) the total amount of political issues contributions received and political issues

1235 expenditures disbursed by the reporting political issues committee;

1236 (ix) ~~[a paragraph signed]~~ a statement by the political issues committee's treasurer or  
 1237 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's  
 1238 knowledge, the financial statement is accurate; and

1239 (x) a summary page in the form required by the lieutenant governor that identifies:

1240 (A) beginning balance;

1241 (B) total contributions during the period since the last statement;

1242 (C) total contributions to date;

1243 (D) total expenditures during the period since the last statement; and

1244 (E) total expenditures to date.

1245 ~~[(b) (i) Political issues contributions received by a political issues committee that have~~  
 1246 ~~a value of \$50 or less need not be reported individually, but shall be listed on the report as an~~  
 1247 ~~aggregate total.]~~

1248 ~~[(ii) Two or more political issues contributions from the same source that have an~~  
 1249 ~~aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported~~  
 1250 ~~separately.]~~

1251 ~~[(e)]~~ (b) When reporting political issue expenditures made to circulators of initiative  
 1252 petitions, the political issues committee:

1253 (i) need only report the amount paid to each initiative petition circulator; and

1254 (ii) need not report the name or address of the circulator.

1255 (3) A registered political issues committee shall report to the lieutenant governor each  
 1256 contribution received within 72 hours if the contribution is:

1257 (a) in excess of \$1,000; and

1258 (b) within the political issues committee's possession seven days before an election or a  
 1259 municipal election.

1260 Section 27. Section **20A-11-901** is amended to read:

1261 **20A-11-901. Political advertisements -- Requirement that ads designate**  
 1262 **responsibility and authorization -- Unauthorized use of endorsements.**

1263 (1) (a) Whenever any person makes an expenditure for the purpose of financing an  
 1264 advertisement expressly advocating the election or defeat of a clearly identified candidate, or  
 1265 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor

1266 advertising facility, direct mailing, or any other type of general public political advertising, the  
1267 advertisement:

1268 (i) if paid for and authorized by a candidate or the candidate's campaign committee,  
1269 shall clearly state that the advertisement has been paid for by the candidate or the campaign  
1270 committee;

1271 (ii) if paid for by another person but authorized by a candidate or the candidate's  
1272 campaign committee, shall clearly state who paid for the advertisement and that the candidate  
1273 or the campaign committee authorized the advertisement; or

1274 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the  
1275 name of the person who paid for the advertisement and state that the advertisement is not  
1276 authorized by any candidate or candidate's committee.

1277 (b) The requirements of Subsection (1)(a) do not apply to:

1278 (i) lawn signs with dimensions of four by eight feet or smaller;

1279 (ii) bumper stickers;

1280 (iii) campaign pins, buttons, and pens; and

1281 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

1282 (2) (a) A person who pays for an electioneering communication shall file a report with  
1283 the lieutenant governor within 24 hours of making the payment or promising to make the  
1284 payment.

1285 (b) The report shall include:

1286 (i) the name and street address of the person described in Subsection (2)(a);

1287 (ii) the name and address of each person contributing at least \$100 to the person  
1288 described in Subsection (2)(a) for the purpose of disseminating the electioneering  
1289 communication;

1290 (iii) the amount spent on the electioneering communication;

1291 (iv) the name of the identified referenced candidate; and

1292 (v) the medium used to disseminate the electioneering communication.

1293 ~~[(2)]~~ (3) A person may not, in order to promote the success of any candidate for  
1294 nomination or election to any public office, or in connection with any question submitted to the  
1295 voters, include or cause to be included the name of any person as endorser or supporter in any  
1296 political advertisement, circular, poster, or publication without the express consent of that

1297 person.

1298 ~~[(3)]~~ (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of  
1299 any newspaper or other periodical to induce him to advocate or oppose editorially any  
1300 candidate for nomination or election.

1301 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to  
1302 advocate or oppose editorially any candidate for nomination or election.

1303 Section 28. Section **20A-11-904** is enacted to read:

1304 **20A-11-904. Contribution given in another's name prohibited.**

1305 A person may not:

1306 (1) make a contribution in the name of another;

1307 (2) knowingly permit another to make a contribution in the person's name; or

1308 (3) knowingly accept a contribution made by one person in the name of another.

1309 Section 29. Section **20A-11-1001** is amended to read:

1310 **20A-11-1001. Electronic form prepared by chief election officer.**

1311 The chief election officer shall:

1312 (1) develop and prepare ~~[forms for all]~~ an electronic form for all financial statements  
1313 required by this chapter; and

1314 (2) provide ~~[copies of the forms]~~ access to the electronic form to the secretary of every  
1315 committee, to every candidate, and to all others who request them.

1316 Section 30. Section **20A-11-1002** is amended to read:

1317 **20A-11-1002. Retention and public inspection of financial statements -- Written**  
1318 **complaint if statement is false or unlawful.**

1319 (1) The chief election officer shall:

1320 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1321 Judicial Retention Elections:

1322 (i) open to public inspection in the office of the chief election officer; and

1323 (ii) available for viewing on the Internet ~~[at the lieutenant governor's website within~~  
1324 ~~seven calendar days after the report is received by the chief election officer]~~ in accordance with  
1325 Section 20A-11-103;

1326 (b) preserve those statements for at least five years; and

1327 (c) provide certified copies of the financial statements in the same manner as for other

1328 public records.

1329 (2) Any candidate or voter may file a written complaint with the chief election officer  
1330 alleging that a filed financial statement does not conform to law or to the truth.

1331 Section 31. Section **20A-11-1005** is enacted to read:

1332 **20A-11-1005. Fines for failing to file a financial statement -- Enforcement of**  
1333 **contribution limits -- Penalty for contributions in excess of limit.**

1334 (1) (a) The chief election officer shall fine a filing entity:

1335 (i) \$300 for failing to file a financial statement by the filing deadline; and

1336 (ii) \$500 for each month after the filing deadline in which the filing entity fails to file  
1337 the report.

1338 (b) If a filing entity is unable to pay the fine and files an affidavit of impecuniosity in a  
1339 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine  
1340 against the candidate or treasurer, as appropriate.

1341 (c) The chief election officer shall deposit fines collected under this chapter in the  
1342 General Fund.

1343 (2) The chief election officer shall enforce the contribution limits established in  
1344 Sections 20A-11-604, 20A-11-705, 20A-11-1501, and 20A-11-1603 by:

1345 (a) conducting an informal adjudicative proceeding in accordance with Title 63G,  
1346 Chapter 4, Administrative Procedures Act; and

1347 (b) if necessary, issuing a signed order requiring a filing entity to return the portion of a  
1348 contribution in excess of the contribution limit to the person who made the contribution.

1349 (3) (a) A person who makes a contribution in excess of the contribution limits  
1350 established in Sections 20A-11-604, 20A-11-705, 20A-11-1501, or 20A-11-1603 is guilty of a  
1351 class B misdemeanor.

1352 (b) A person who accepts a contribution in excess of the contribution limits established  
1353 in Sections 20A-11-604, 20A-11-705, 20A-11-1501, or 20A-11-1603 is guilty of a class B  
1354 misdemeanor.

1355 Section 32. Section **20A-11-1006** is enacted to read:

1356 **20A-11-1006. Calculation of inflation.**

1357 (1) For a contribution cycle beginning on January 1, the chief election officer shall  
1358 increase the dollar amounts listed in Subsections 20A-11-604(1), 20A-11-705(1),

1359 20A-11-1501(1), and 20A-11-1603(1) by a percentage equal to the percentage difference  
1360 between the consumer price index for the preceding calendar year and the consumer price  
1361 index for calendar year 2010.

1362 (2) After the chief election officer increases the dollar amounts described in Subsection  
1363 (1), the chief election officer shall round the dollar amounts to the nearest multiple of \$100.

1364 (3) For purposes of Subsection (1), the chief election officer shall calculate the  
1365 consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

1366 (4) The chief election officer shall publish the dollar amounts adjusted for inflation as  
1367 provided by this section on the chief election officer's website.

1368 Section 33. Section **20A-11-1301** is amended to read:

1369 **20A-11-1301. School board office candidate -- Campaign requirements.**

1370 (1) Each school board office candidate shall deposit each contribution and public  
1371 service assistance received in one or more separate accounts in a financial institution that are  
1372 dedicated only to that purpose.

1373 (2) A school board office candidate may not deposit or mingle any contributions or  
1374 public service assistance received into a personal or business account.

1375 (3) A school board office candidate may not make any political expenditures prohibited  
1376 by law.

1377 (4) If a person who is no longer a school board candidate chooses not to expend the  
1378 monies remaining in a campaign account, the person shall continue to file the year-end  
1379 summary report required by Section 20A-11-1302 until the statement of dissolution and final  
1380 summary report required by Section 20A-11-1304 are filed with:

1381 (a) the lieutenant governor in the case of a state school board candidate; and

1382 (b) the county clerk, in the case of a local school board candidate.

1383 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who  
1384 is no longer a school board candidate may not expend or transfer the monies in a campaign  
1385 account in a manner that would cause the former school board candidate to recognize the  
1386 monies as taxable income under federal tax law.

1387 (b) A person who is no longer a school board candidate may transfer the monies in a  
1388 campaign account in a manner that would cause the former school board candidate to recognize  
1389 the monies as taxable income under federal tax law if the transfer is made to a campaign

1390 account for federal office.

1391 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1392 (i) for a cash contribution, that the cash is given to a ~~[legislative]~~ school board office  
1393 candidate or a member of the candidate's personal campaign committee;

1394 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1395 instrument or check is negotiated; and

1396 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1397 inures to the ~~[legislative]~~ school board office candidate.

1398 (b) Each school board office candidate shall report to the chief election officer each  
1399 contribution and public service assistance ~~[to the lieutenant governor]~~;

1400 (i) within 30 days after the contribution or public service assistance is received[-]; and

1401 (ii) within 72 hours if the contribution or public service assistance is:

1402 (A) in excess of \$1,000; and

1403 (B) within the school board office candidate's possession seven days before an election.

1404 Section 34. Section **20A-11-1302** is amended to read:

1405 **20A-11-1302. School board office candidate -- Financial reporting requirements**  
1406 **-- Year-end summary report.**

1407 (1) (a) Each school board office candidate shall file a summary report by January 10 of  
1408 the year after the regular general election year.

1409 (b) ~~[Beginning with the 2008 regular general election and in]~~ In addition to the  
1410 requirements of Subsection (1)(a), a former school board office candidate that has not filed the  
1411 statement of dissolution and final summary report required under Section 20A-11-1304 shall  
1412 continue to file a summary report on January 10 of each year.

1413 (2) (a) Each summary report shall include the following information as of December 31  
1414 of the previous year:

1415 (i) the net balance of the last ~~[summary report]~~ financial statement, if any;

1416 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
1417 if any, during the previous year;

1418 (iii) a single figure equal to the total amount of expenditures reported on all interim  
1419 reports, if any, filed during the previous year;

1420 (iv) a detailed listing of each receipt, contribution, and public service assistance since

1421 the last summary report that has not been reported in detail on an interim report;

1422 (v) for each nonmonetary contribution:

1423 (A) the fair market value of the contribution with that information provided by the  
1424 contributor; and

1425 (B) a specific description of the contribution;

1426 (vi) a detailed listing of each expenditure made since the last summary report that has  
1427 not been reported in detail on an interim report;

1428 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1429 (viii) a net balance for the year consisting of the net balance from the last summary  
1430 report, if any, plus all receipts minus all expenditures.

1431 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a  
1432 single aggregate figure may be reported without separate detailed listings.]~~

1433 ~~[(ii) Two or more contributions from the same source that have an aggregate total of  
1434 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1435 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of  
1436 December 31 of the previous year.

1437 (c) A check or negotiable instrument within the possession of a school board office  
1438 candidate on or before December 31 of the previous year shall be negotiated and included in  
1439 the summary report.

1440 (3) ~~[The summary report shall contain a paragraph signed by the]~~ The school board  
1441 office candidate [certifying] shall certify in the summary report that, to the best of the school  
1442 board office candidate's knowledge, all receipts and all expenditures have been reported as of  
1443 December 31 of the previous year and that there are no bills or obligations outstanding and  
1444 unpaid except as set forth in that report.

1445 Section 35. Section **20A-11-1303** is amended to read:

1446 **20A-11-1303. School board office candidate -- Financial reporting requirements**  
1447 **-- Interim reports.**

1448 (1) Each school board office candidate shall file an interim report at the following  
1449 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1450 (a) May 15, for state school board office candidates;

1451 (b) seven days before the regular primary election date;

- 1452 (c) August 31; and
- 1453 (d) seven days before the regular general election date.
- 1454 (2) Each interim report shall include the following information:
- 1455 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;
- 1456 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1457 reports, if any, during the calendar year in which the interim report is due;
- 1458 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1459 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1460 (d) a detailed listing of each contribution and public service assistance received since
- 1461 the last summary report that has not been reported in detail on a prior interim report;
- 1462 (e) for each nonmonetary contribution:
- 1463 (i) the fair market value of the contribution with that information provided by the
- 1464 contributor; and
- 1465 (ii) a specific description of the contribution;
- 1466 (f) a detailed listing of each expenditure made since the last summary report that has
- 1467 not been reported in detail on a prior interim report;
- 1468 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1469 (h) a net balance for the year consisting of the net balance from the last summary
- 1470 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1471 last summary report; and
- 1472 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1473 (i) beginning balance;
- 1474 (ii) total contributions during the period since the last statement;
- 1475 (iii) total contributions to date;
- 1476 (iv) total expenditures during the period since the last statement; and
- 1477 (v) total expenditures to date.
- 1478 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
- 1479 ~~single aggregate figure may be reported without separate detailed listings.]~~
- 1480 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
- 1481 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 1482 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be

1483 reported as of five days before the required filing date of the report.

1484 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a school  
1485 board office candidate more than five days before the required filing date of a report required  
1486 by this section shall be negotiated and included in the interim report.

1487 Section 36. Section **20A-11-1305** is amended to read:

1488 **20A-11-1305. School board office candidate -- Failure to file statement --**

1489 **Penalties.**

1490 (1) (a) If a school board office candidate fails to file an interim report due before the  
1491 regular primary election, on August 31, and before the regular general election, the chief  
1492 election officer shall, after making a reasonable attempt to discover if the report was timely  
1493 ~~[mailed] filed, [inform the county clerk and other appropriate election officials who:]~~ impose a  
1494 fine against the filing entity in accordance with Section 20A-11-1005.

1495 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~  
1496 ~~candidate's name before the ballots are delivered to voters; or]~~

1497 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~  
1498 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~  
1499 ~~cast for candidate will not be counted; and]~~

1500 ~~[(iii) may not count any votes for that candidate.]~~

1501 ~~[(b) Any school board office candidate who fails to file timely a financial statement~~  
1502 ~~required by this part is disqualified and the vacancy on the ballot may be filled as provided in~~  
1503 ~~Section 20A-1-501.]~~

1504 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is~~  
1505 ~~not disqualified if:]~~

1506 (b) The chief election officer may not impose the fine if:

1507 (i) the candidate timely files the reports required by this section in accordance with  
1508 Section 20A-11-103;

1509 (ii) those reports are completed, detailing accurately and completely the information  
1510 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1511 and

1512 (iii) those omissions, errors, or inaccuracies ~~[are]~~ described in Subsection (1)(b)(ii) are  
1513 explained, clearly shown, and corrected in an amended report or in the next scheduled report.

1514 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate  
1515 for state school board, the lieutenant governor shall review each filed summary report to ensure  
1516 that:

1517 (i) each state school board candidate that is required to file a summary report has filed  
1518 one; and

1519 (ii) each summary report contains the information required by this part.

1520 (b) If it appears that any state school board candidate has failed to file the summary  
1521 report required by law, if it appears that a filed summary report does not conform to the law, or  
1522 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1523 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1524 violation or receipt of a written complaint, notify the state school board candidate of the  
1525 violation or written complaint and direct the state school board candidate to file a summary  
1526 report correcting the problem.

1527 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a  
1528 summary report within 14 days after receiving notice from the lieutenant governor under this  
1529 section.

1530 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a  
1531 class B misdemeanor.

1532 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1533 attorney general.

1534 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county  
1535 clerk shall review each filed summary report to ensure that:

1536 (i) each local school board candidate that is required to file a summary report has filed  
1537 one; and

1538 (ii) each summary report contains the information required by this part.

1539 (b) If it appears that any local school board candidate has failed to file the summary  
1540 report required by law, if it appears that a filed summary report does not conform to the law, or  
1541 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
1542 of any summary report, the county clerk shall, within five days of discovery of a violation or  
1543 receipt of a written complaint, notify the local school board candidate of the violation or  
1544 written complaint and direct the local school board candidate to file a summary report

1545 correcting the problem.

1546 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a  
1547 summary report within 14 days after receiving notice from the county clerk under this section.

1548 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a  
1549 class B misdemeanor.

1550 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or  
1551 county attorney.

1552 Section 37. Section **20A-11-1402** is amended to read:

1553 **20A-11-1402. Definitions.**

1554 (1) As used in this part:

1555 (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda,  
1556 judicial retention questions, opinion questions, or other questions submitted to the voters for  
1557 their approval or rejection.

1558 [~~(b) (i) "Labor organization" means a lawful organization of any kind that is composed,  
1559 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing  
1560 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
1561 employment, or other terms and conditions of employment.]~~

1562 [~~(ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each  
1563 employee association and union for employees of public and private sector employers.]~~

1564 [~~(iii) "Labor organization" does not include organizations governed by the National  
1565 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
1566 et seq.]~~

1567 [~~(e)~~] (b) "Political fund" means a separate segregated fund established by a labor  
1568 organization for political purposes that meets the requirements of this part.

1569 [~~(d)~~] (c) "Political purposes" means an act done with the intent or in a way to influence  
1570 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1571 against any candidate for public office at any caucus, political convention, [primary,] or  
1572 election.

1573 [~~(e)~~] (d) "Union dues" means dues, fees, monies, or other assessments required as a  
1574 condition of membership or participation in a labor organization.

1575 (2) Other terms defined in Section 20A-11-101 apply to this part.

1576 Section 38. Section **20A-11-1501** is enacted to read:

1577 **Part 15. Contribution Limits**

1578 **20A-11-1501. Limits on contributions by an individual.**

1579 (1) (a) An individual may not make contributions totaling more than the following  
1580 amounts per contribution cycle:

1581 (i) \$10,000 to one state office candidate;

1582 (ii) \$5,000 to one legislative office candidate;

1583 (iii) \$5,000 to one school board office candidate;

1584 (iv) \$5,000 to one judge;

1585 (v) \$40,000 to one registered political party; or

1586 (vi) \$10,000 to one political action committee.

1587 (b) An individual may make a contribution to more than one candidate or judge, or  
1588 multiple contributions to one candidate or judge, except that the total contributions by the  
1589 individual to one candidate or judge in a contribution cycle may not exceed the amounts  
1590 described in Subsections (1)(a)(i) through (iv).

1591 (2) The chief election officer shall adjust the dollar amounts listed in Subsection (1) for  
1592 inflation as provided by Section 20A-11-1006.

1593 (3) An individual may not make a cash contribution in excess of \$100.

1594 Section 39. Section **20A-11-1601** is enacted to read:

1595 **Part 16. Labor Organizations**

1596 **20A-11-1601. Campaign financial reporting of contributions -- Filing**  
1597 **requirements -- Statement contents.**

1598 (1) (a) Each labor organization that has made expenditures for political purposes or  
1599 political issues expenditures on current or proposed ballot issues that total at least \$750 during  
1600 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1601 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1602 (ii) seven days before the regular primary election date;

1603 (iii) on August 31; and

1604 (iv) seven days before the regular general election date.

1605 (b) The labor organization shall report:

1606 (i) a detailed listing of all expenditures made since the last statement; and

- 1607 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all  
1608 expenditures as of five days before the required filing date of the financial statement.
- 1609 (c) The labor organization need not file a statement under this section if it made no  
1610 expenditures during the reporting period.
- 1611 (2) That statement shall include:
- 1612 (a) the name and address of each reporting entity that received an expenditure or  
1613 political issues expenditure from the labor organization, and the amount of each expenditure or  
1614 political issues expenditure;
- 1615 (b) the total amount of expenditures disbursed by the labor organization; and  
1616 (c) a statement by the labor organization's treasurer or chief financial officer certifying  
1617 the accuracy of the financial report.
- 1618 Section 40. Section **20A-11-1602** is enacted to read:
- 1619 **20A-11-1602. Criminal penalties -- Fines.**
- 1620 (1) Within 30 days after a deadline for the filing of any statement required by this part,  
1621 the lieutenant governor shall review each filed statement to ensure that:
- 1622 (a) each labor organization that is required to file a statement has filed one; and  
1623 (b) each statement contains the information required by this part.
- 1624 (2) If it appears that any labor organization has failed to file any statement, if it appears  
1625 that a filed statement does not conform to the law, or if the lieutenant governor has received a  
1626 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant  
1627 governor shall:
- 1628 (a) impose a fine against the labor organization in accordance with Section  
1629 20A-11-1005; and
- 1630 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1631 the labor organization of the violation or written complaint and direct the labor organization to  
1632 file a statement correcting the problem.
- 1633 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement  
1634 within 14 days after receiving notice from the lieutenant governor under this section.
- 1635 (b) Each labor organization who violates Subsection (3)(a) is guilty of a class B  
1636 misdemeanor.
- 1637 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the

1638 attorney general.

1639 Section 41. Section **20A-11-1603** is enacted to read:

1640 **20A-11-1603. Limits on contributions by a labor organization.**

1641 (1) (a) A labor organization may not make contributions totaling more than the  
1642 following amounts per contribution cycle:

1643 (i) \$10,000 to one state office candidate;

1644 (ii) \$5,000 to one legislative office candidate;

1645 (iii) \$5,000 to one school board office candidate;

1646 (iv) \$5,000 to one judge;

1647 (v) \$40,000 to one registered political party;

1648 (vi) \$10,000 to one political action committee; or

1649 (vii) \$50,000 in the aggregate to one or more:

1650 (A) registered political parties;

1651 (B) labor organizations; and

1652 (C) political action committees.

1653 (b) A labor organization may make a contribution to more than one candidate or judge,  
1654 or multiple contributions to one candidate or judge, except that the total contributions by the  
1655 labor organization to one candidate or judge in a contribution cycle may not exceed the  
1656 amounts described in Subsections (1)(a)(i) through (iv).

1657 (2) The chief election officer shall adjust the dollar amounts listed in Subsection (1) for  
1658 inflation as provided by Section 20A-11-1006.

1659 (3) Solicitation or administrative costs incurred by a labor organization are excluded  
1660 from the contribution limits specified in Subsection (1).

1661 (4) A labor organization may not make a cash contribution in excess of \$100.

1662 Section 42. Section **20A-12-303** is amended to read:

1663 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1664 (1) The judge or the judge's personal campaign committee shall deposit each  
1665 contribution in one or more separate personal campaign accounts in a financial institution.

1666 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
1667 any contributions received into a personal or business account.

1668 (3) (a) As used in this Subsection (3), "received" means:

1669           (i) for a cash contribution, that the cash is given to a judge or the judge's personal  
1670 campaign committee;

1671           (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1672 instrument or check is negotiated; and

1673           (iii) for any other type of contribution, that any portion of the contribution's benefit  
1674 inures to the judge.

1675           (b) The judge or the judge's personal campaign committee shall report to the lieutenant  
1676 governor each contribution:

1677           (i) within 30 days after the contribution is received; and

1678           (ii) within 72 hours if the contribution is:

1679           (A) in excess of \$1,000; and

1680           (B) within the possession of the judge or the judge's personal campaign committee  
1681 seven days before an election.

1682           Section 43. Section **20A-12-304** is amended to read:

1683           **20A-12-304. Judicial retention election candidates -- Financial reporting**  
1684 **requirements -- Year-end summary report.**

1685           (1) The judge's personal campaign committee shall file a summary report with the  
1686 lieutenant governor by January 10 of the year after the regular general election year.

1687           (2) (a) Each summary report shall include the following information as of December 31  
1688 of the last regular general election year:

1689           (i) a single figure equal to the total amount of contributions reported on the interim  
1690 report;

1691           (ii) a single figure equal to the total amount of expenditures reported on the interim  
1692 report;

1693           (iii) a detailed listing of each contribution received since the last summary report that  
1694 has not been reported in detail on the interim report;

1695           (iv) for each nonmonetary contribution, the fair market value of the contribution;

1696           (v) a detailed listing of each expenditure made since the last summary report that has  
1697 not been reported in detail on the interim report;

1698           (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1699           (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1700 ~~[(b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported~~  
1701 ~~without a separate detailed listing.]~~

1702 ~~[(ii) Two or more contributions from the same source for a total of more than \$50 may~~  
1703 ~~not be reported in the aggregate, but shall be reported in the detailed listing.]~~

1704 (b) A check or negotiable instrument within the possession of a judge or the judge's  
1705 personal campaign committee on or before December 31 of the previous year shall be  
1706 negotiated and included in the summary report.

1707 (3) ~~[The summary report shall contain a statement signed by the]~~ The judge [certifying]  
1708 shall certify in the summary report that, to the best of the judge's knowledge, all contributions  
1709 and all expenditures have been reported as of December 31 of the last regular general election  
1710 year and that there are no financial obligations outstanding except as set forth in the report.

1711 Section 44. Section **20A-12-305** is amended to read:

1712 **20A-12-305. Judicial retention election candidates -- Financial reporting**  
1713 **requirements -- Interim report.**

1714 (1) The judge's personal campaign committee shall file an interim report with the  
1715 lieutenant governor ~~[no later than 5 p.m.]~~ before the close of normal office hours on the date  
1716 seven days before the regular general election date.

1717 (2) Each interim report shall include the following information:

1718 (a) a detailed listing of each contribution received since the last ~~[summary report]~~  
1719 financial statement;

1720 (b) for each nonmonetary contribution, the fair market value of the contribution;

1721 (c) a detailed listing of each expenditure made since the last summary report;

1722 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1723 (e) a net balance for the year consisting of all contributions since the last summary  
1724 report minus all expenditures since the last summary report.

1725 ~~[(3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be~~  
1726 ~~reported without separate detailed listings.]~~

1727 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~  
1728 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1729 ~~[(4)]~~ (3) In preparing each interim report, all contributions and expenditures shall be  
1730 reported as of five days before the required filing date of the report.

1731 (4) A negotiable instrument or check within the possession of a judge or the judge's  
1732 personal campaign committee more than five days before the required filing date of a report  
1733 required by this section shall be negotiated and included in the interim report.

1734 Section 45. Section **20A-12-306** is amended to read:

1735 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1736 (1) (a) If a judge's personal campaign committee fails to file the interim report due  
1737 before the regular general election, the lieutenant governor shall, after making a reasonable  
1738 attempt to discover if the report was timely [~~mailed, inform the county clerk and other~~  
1739 ~~appropriate election officials who:~~] filed, impose a fine against the judge's personal campaign  
1740 committee in accordance with Section 20A-11-1005.

1741 [~~(i) shall, if practicable, remove the name of the judge by blacking out the judge's name~~  
1742 ~~before the ballots are delivered to voters; or]~~

1743 [~~(ii) shall, if removing the judge's name from the ballot is not practicable, inform the~~  
1744 ~~voters by any practicable method that the judge has been disqualified and that votes cast for the~~  
1745 ~~judge will not be counted; and]~~

1746 [~~(iii) may not count any votes for that judge.]~~

1747 [~~(b) Any judge who fails to file timely a financial statement required by this part is~~  
1748 ~~disqualified.]~~

1749 [~~(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:]~~

1750 (b) The lieutenant governor may not impose a fine if:

1751 (i) the candidate timely files the reports required by this section in accordance with  
1752 Section 20A-11-103;

1753 (ii) [~~those~~] the reports are completed, detailing accurately and completely the  
1754 information required by this part except for inadvertent omissions or insignificant errors or  
1755 inaccuracies; and

1756 (iii) [~~those~~] the omissions, errors, or inaccuracies [~~are~~] described in Subsection  
1757 (1)(b)(ii) are explained, clearly shown, and corrected in an amended report or in the next  
1758 scheduled report.

1759 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
1760 governor shall review each filed summary report to ensure that:

1761 (i) each judge that is required to file a summary report has filed one; and

1762 (ii) each summary report contains the information required by this part.

1763 (b) If it appears that any judge has failed to file the summary report required by law, if  
1764 it appears that a filed summary report does not conform to the law, or if the lieutenant governor  
1765 has received a written complaint alleging a violation of the law or the falsity of any summary  
1766 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a  
1767 written complaint, notify the judge of the violation or written complaint and direct the judge to  
1768 file a summary report correcting the problem.

1769 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14  
1770 days after receiving notice from the lieutenant governor under this section.

1771 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1772 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1773 attorney general.

1774 **Section 46. Effective date.**

1775 This bill takes effect on January 1, 2011.