

Senator Scott K. Jenkins proposes the following substitute bill:

CAMPAIGN FINANCE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ enacts, amends, and repeals definitions;
- ▶ requires a filing entity to electronically file a financial statement;
- ▶ requires the lieutenant governor to post a financial statement online in a searchable format within a certain amount of time;
- ▶ requires contributions over \$1,000 to be reported within a certain amount of time before an election;
- ▶ prohibits cash contributions in excess of \$50;
- ▶ requires checks to be negotiated and reported in an interim or summary report;
- ▶ imposes a fine for failure to file a timely financial statement;
- ▶ repeals provisions relating to the removal of a candidate for failure to file a timely financial statement;
- ▶ requires a person sponsoring certain electioneering communications to file a report;
- ▶ repeals a provision requiring a political action committee or political issues



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

37 Monies Appropriated in this Bill:

38 None

39 Other Special Clauses:

40 This bill takes effect on January 1, 2011.

41 Utah Code Sections Affected:

42 AMENDS:

- 43 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361
- 44 **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 45 **20A-11-201**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 46 **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361
- 47 **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361
- 48 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202
- 49 **20A-11-301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 50 **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361
- 51 **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361
- 52 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202
- 53 **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355
- 54 **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14
- 55 **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14
- 56 **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49

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

74 ENACTS:

- 75 **20A-11-104**, Utah Code Annotated 1953
- 76 **20A-11-509**, Utah Code Annotated 1953
- 77 **20A-11-510**, Utah Code Annotated 1953
- 78 **20A-11-604**, Utah Code Annotated 1953
- 79 **20A-11-904**, Utah Code Annotated 1953
- 80 **20A-11-1005**, Utah Code Annotated 1953
- 81 **20A-11-1501**, Utah Code Annotated 1953
- 82 **20A-11-1502**, Utah Code Annotated 1953



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

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

86 **20A-11-101. Definitions.**

87 As used in this chapter:

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

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

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

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

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

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

99 [~~(4)~~] (5) "Chief election officer" means:

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

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

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

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

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

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

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

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

117 (v) remuneration from;

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

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

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

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

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

125 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

145 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
146 proposition.

147 (b) "Corporation" does not mean:

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

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

- 150 (9) "Detailed listing" means:
- 151 (a) for each contribution or public service assistance:
- 152 (i) the name and address of the individual or source making the contribution or public
- 153 service assistance;
- 154 (ii) the amount or value of the contribution or public service assistance; and
- 155 (iii) the date the contribution or public service assistance was made; [~~and~~]
- 156 (b) for each expenditure:
- 157 (i) the amount of the expenditure;
- 158 (ii) the person or entity to whom [it] the expenditure was disbursed, including a
- 159 transaction on a financial transaction card, as defined in Section 76-6-506;
- 160 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 161 (iv) the date the expenditure was made[-]; and
- 162 (c) for each expenditure made by a vendor that benefits the filing entity:
- 163 (i) the amount of the expenditure;
- 164 (ii) the person or entity to whom the expenditure was disbursed;
- 165 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 166 (iv) the date the expenditure was made.
- 167 (10) "Election" means each:
- 168 (a) regular general election;
- 169 (b) regular primary election; and
- 170 (c) special election at which candidates are eliminated and selected.
- 171 (11) "Electioneering communication" means a communication that:
- 172 (a) has at least a value of \$10,000;
- 173 (b) clearly identifies a candidate or judge; and
- 174 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 175 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 176 identified candidate's or judge's election date.
- 177 [(H)] (12) (a) "Expenditure" means:
- 178 (i) any disbursement from contributions, receipts, or from the separate bank account
- 179 required by this chapter;
- 180 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

181 or anything of value made for political purposes;

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

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

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

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

191 (b) "Expenditure" does not include:

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

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

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

198 ~~[(12)]~~ (13) "Filing entity" means the reporting entity that is ~~[filing]~~ required to file a
199 financial statement required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention
200 Elections.

201 ~~[(13)]~~ (14) "Financial statement" includes any summary report, interim report, verified
202 financial statement, or other statement disclosing contributions, expenditures, receipts,
203 donations, or disbursements that is required by this chapter or Title 20A, Chapter 12, Part 2,
204 Judicial Retention Elections.

205 ~~[(14)]~~ (15) "Governing board" means the individual or group of individuals that
206 determine the candidates and committees that will receive expenditures from a political action
207 committee, political party, or corporation.

208 ~~[(15)]~~ (16) "Incorporation" means the process established by Title 10, Chapter 2, Part
209 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

210 ~~[(16)]~~ (17) "Incorporation election" means the election authorized by Section 10-2-111.

211 ~~[(17)]~~ (18) "Incorporation petition" means a petition authorized by Section 10-2-109.

212 [(18)] (19) "Individual" means a natural person.

213 [(19)] (20) "Interim report" means a report identifying the contributions received and
214 expenditures made since the last report.

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

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

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

224 [(20)] (22) "Legislative office" means the office of state senator, state representative,
225 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
226 assistant whip of any party caucus in either house of the Legislature.

227 [(21)] (23) "Legislative office candidate" means a person who:

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

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

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

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

238 [(23)] (24) "Officeholder" means a person who holds a public office.

239 [(24)] (25) "Party committee" means any committee organized by or authorized by the
240 governing board of a registered political party.

241 [(25)] (26) "Person" means both natural and legal persons, including individuals,
242 business organizations, personal campaign committees, party committees, political action

243 committees, political issues committees, labor unions, and labor organizations.

244 [~~(26)~~] (27) "Personal campaign committee" means the committee appointed by a
245 candidate to act for the candidate as provided in this chapter.

246 [~~(27)~~] (28) (a) "Political action committee" means an entity, or any group of
247 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

257 (i) a party committee;

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

260 (iii) an individual;

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

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

265 (vi) a personal campaign committee.

266 [~~(28)~~] (29) "Political convention" means a county or state political convention held by
267 a registered political party to select candidates.

268 [~~(29)~~] (30) (a) "Political issues committee" means an entity, or any group of individuals
269 or entities within or outside this state, a major purpose of which is to:

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

273 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

274 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
275 proposed ballot proposition or an incorporation in an incorporation election; or

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

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

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

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

282 (iii) an individual;

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

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

287 [~~30~~] (31) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

303 [~~31~~] (32) (a) "Political issues expenditure" means any of the following:

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

305 the approval or the defeat of:

306 (A) a ballot proposition; or

307 (B) an incorporation petition or incorporation election;

308 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for

309 the express purpose of influencing the approval or the defeat of:

310 (A) a ballot proposition; or

311 (B) an incorporation petition or incorporation election;

312 (iii) an express, legally enforceable contract, promise, or agreement to make any

313 political issues expenditure;

314 (iv) compensation paid by a reporting entity for personal services rendered by a person

315 without charge to a political issues committee; or

316 (v) goods or services provided to or for the benefit of another reporting entity at less

317 than fair market value.

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

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

320 of their time on behalf of a political issues committee; or

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

322 course of business.

323 [~~(32)~~] (33) "Political purposes" means an act done with the intent or in a way to

324 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote

325 for or against any candidate [~~for public office~~] or a person seeking a municipal or county office

326 at any caucus, political convention, [~~primary~~], or election.

327 [~~(33)~~] (34) "Primary election" means any regular primary election held under the

328 election laws.

329 [~~(34)~~] (35) "Public office" means the office of governor, lieutenant governor, state

330 auditor, state treasurer, attorney general, state or local school board member, state senator, state

331 representative, speaker of the House of Representatives, president of the Senate, and the leader,

332 whip, and assistant whip of any party caucus in either house of the Legislature.

333 [~~(35)~~] (36) (a) "Public service assistance" means the following when given or provided

334 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to

335 communicate with the officeholder's constituents:

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

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

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

341 (i) anything provided by the state;

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

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

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

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

350 [~~36~~] (37) "Publicly identified class of individuals" means a group of 50 or more
351 individuals sharing a common occupation, interest, or association that contribute to a political
352 action committee or political issues committee and whose names can be obtained by contacting
353 the political action committee or political issues committee upon whose financial [~~report they~~]
354 statement the individuals are listed.

355 [~~37~~] (38) "Receipts" means contributions and public service assistance.

356 [~~38~~] (39) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
357 Lobbyist Disclosure and Regulation Act.

358 [~~39~~] (40) "Registered political action committee" means any political action
359 committee that is required by this chapter to file a statement of organization with the lieutenant
360 governor's office.

361 [~~40~~] (41) "Registered political issues committee" means any political issues
362 committee that is required by this chapter to file a statement of organization with the lieutenant
363 governor's office.

364 [~~41~~] (42) "Registered political party" means an organization of voters that:

365 (a) participated in the last regular general election and polled a total vote equal to 2%
366 or more of the total votes cast for all candidates for the United States House of Representatives

367 for any of its candidates for any office; or

368 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter
369 8, Political Party Formation and Procedures.

370 (43) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

379 ~~[(42)]~~ (44) "Reporting entity" means a candidate, a candidate's personal campaign

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

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

382 labor organization.

383 ~~[(43)]~~ (45) "School board office" means the office of state school board or local school
384 board.

385 ~~[(44)]~~ (46) (a) "Source" means the person or entity that is the legal owner of the
386 tangible or intangible asset that comprises the contribution.

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

390 ~~[(45)]~~ (47) "State office" means the offices of governor, lieutenant governor, attorney
391 general, state auditor, and state treasurer.

392 ~~[(46)]~~ (48) "State office candidate" means a person who:

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

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

397 ~~[(47)]~~ (49) "Summary report" means the year end report containing the summary of a

398 reporting entity's contributions and expenditures.

399 ~~[(48)]~~ (50) "Supervisory board" means the individual or group of individuals that
400 allocate expenditures from a political issues committee.

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

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

405 **20A-11-103. Notice of pending interim and summary reports -- Form of**
406 **submission -- Public availability -- Notice of local filings.**

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

415 (i) that the financial statement is due;

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

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

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

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

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

429 file the report.]

430 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the

431 [~~lieutenant governor~~] chief election officer is not required to provide notice:

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

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

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

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

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

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

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

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

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

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

459 [~~(c) the candidate, judge, or entity has proof that the financial statement was mailed;~~

460 ~~with appropriate postage and addressing, three days before the financial statement was due.]~~

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

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

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

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

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

473 (iii) for a financial statement required by Subsections 20A-11-201(5)(b),
474 20A-11-301(6)(b), 20A-11-602(4), 20A-11-802(3), 20A-11-901(2), 20A-11-1301(6)(b), and
475 20A-12-303(3)(b), and Section 20A-11-510, no later than one business day after the date the
476 statement is electronically filed.

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

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

482 **20A-11-104. Cash Contributions.**

483 A person may not make a cash contribution in excess of \$50.

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

485 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

520 **20A-11-203. State office candidate -- Financial reporting requirements --**

521 **Year-end summary report.**

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

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

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

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

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

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

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

537 (v) for each nonmonetary contribution:

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

540 (B) a specific description of the contribution;

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

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

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

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

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

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

552 (d) A check or negotiable instrument within the possession of a state office candidate

553 or the state office candidate's personal campaign committee on or before December 31 of the
554 previous year shall be negotiated and included in the summary report.

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

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

562 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
563 **reports.**

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

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

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

568 (c) August 31; and

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

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

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

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

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

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

578 (e) for each nonmonetary contribution:

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

581 (ii) a specific description of the contribution;

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

584 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
585 (h) a net balance for the year consisting of the net balance from the last summary
586 report, if any, plus all receipts since the last summary report minus all expenditures since the
587 last summary report; and

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

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

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

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

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

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

605 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

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

613 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
614 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~

615 ~~cast for the candidate will not be counted; and]~~

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

617 ~~[(b) Any state office candidate who fails to file timely a financial statement required by~~

618 ~~Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in~~

619 ~~Section 20A-1-501.]~~

620 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not~~

621 ~~disqualified if:]~~

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

623 (i) the candidate timely files the reports required by this section no later than the due

624 date in accordance with Section 20A-11-103;

625 (ii) ~~[those]~~ the reports are completed, detailing accurately and completely the

626 information required by this part except for inadvertent omissions or insignificant errors or

627 inaccuracies; and

628 (iii) ~~[those]~~ the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are

629 explained, clearly shown, and corrected in:

630 (A) an amended report; or ~~[in]~~

631 (B) the next scheduled report.

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

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

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

635 and

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

637 (b) If it appears that any state office candidate has failed to file the summary report

638 required by law, if it appears that a filed summary report does not conform to the law, or if the

639 lieutenant governor has received a written complaint alleging a violation of the law or the

640 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a

641 violation or receipt of a written complaint, notify the state office candidate of the violation or

642 written complaint and direct the state office candidate to file a summary report correcting the

643 problem.

644 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary

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

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

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

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

651 **20A-11-301. Legislative office candidate -- Campaign requirements.**

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

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

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

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

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

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

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

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

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

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

677 inures to the legislative office candidate.

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

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

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

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

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

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

685 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
686 **Year-end summary report.**

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

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

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

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

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

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

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

702 (v) for each nonmonetary contribution:

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

705 (B) a specific description of the contribution;

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

708 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
709 (viii) a net balance for the year consisting of the net balance from the last summary
710 report, if any, plus all receipts minus all expenditures.

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

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

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

717 (d) A check or negotiable instrument within the legislative office candidate's
718 possession on or before December 31 of the previous year shall be negotiated and included in
719 the summary report.

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

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

726 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
727 **Interim reports.**

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

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

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

732 (c) August 31; and

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

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

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

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

738 (c) a single figure equal to the total amount of expenditures reported on all prior

- 739 interim reports, if any, filed during the calendar year in which the interim report is due;
- 740 (d) a detailed listing of each contribution and public service assistance received since
- 741 the last summary report that has not been reported in detail on a prior interim report;
- 742 (e) for each nonmonetary contribution:
- 743 (i) the fair market value of the contribution with that information provided by the
- 744 contributor; and
- 745 (ii) a specific description of the contribution;
- 746 (f) a detailed listing of each expenditure made since the last summary report that has
- 747 not been reported in detail on a prior interim report;
- 748 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 749 (h) a net balance for the year consisting of the net balance from the last summary
- 750 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 751 last summary report; and
- 752 (i) a summary page in the form required by the lieutenant governor that identifies:
- 753 (i) beginning balance;
- 754 (ii) total contributions during the period since the last statement;
- 755 (iii) total contributions to date;
- 756 (iv) total expenditures during the period since the last statement; and
- 757 (v) total expenditures to date.
- 758 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 759 single aggregate figure may be reported without separate detailed listings.
- 760 (b) Two or more contributions from the same source that have an aggregate total of
- 761 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 762 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
- 763 as of five days before the required filing date of the report.
- 764 (b) Any negotiable instrument or check [~~received by~~] within the possession of a
- 765 legislative office candidate more than five days before the required filing date of a report
- 766 required by this section shall be negotiated and included in the interim report.
- 767 Section 11. Section **20A-11-305** is amended to read:
- 768 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**
- 769 (1) (a) If a legislative office candidate fails to file an interim report due before the

770 regular primary election, on August 31, or before the regular general election, the lieutenant
771 governor shall, after making a reasonable attempt to discover if the report was timely [~~mailed;~~
772 ~~inform the county clerk and other appropriate election officials who:~~] filed, impose a fine
773 against the filing entity in accordance with Section 20A-11-1005.

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

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

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

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

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

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

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

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

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

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

794 (B) the next scheduled report.

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

797 (i) each legislative office candidate that is required to file a summary report has filed
798 one; and

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

800 (b) If it appears that any legislative office candidate has failed to file the summary

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

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

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

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

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

815 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

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

835 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

858 (i) beginning balance;

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

860 (iii) total contributions to date;

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

862 (v) total expenditures to date.

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

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

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

869 Section 14. Section **20A-11-508** is amended to read:

870 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

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

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

874 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

893 Section 15. Section **20A-11-509** is enacted to read:

894 **20A-11-509. Designation of contribution's use prohibited.**

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

897 Section 16. Section **20A-11-510** is enacted to read:

898 **20A-11-510. Reporting of contributions over \$1,000.**

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

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

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

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

904 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

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

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

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

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

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

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

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

924 (ii) the identification of any publicly identified class of individuals that makes a

- 925 contribution to the reporting political action committee, and the amount of the contribution;
- 926 (iii) the name and address of any political action committee, group, or entity that makes
- 927 a contribution to the reporting political action committee, and the amount of the contribution;
- 928 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 929 (v) the name and address of each reporting entity that received an expenditure from the
- 930 reporting political action committee, and the amount of each expenditure;
- 931 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 932 (vii) the total amount of contributions received and expenditures disbursed by the
- 933 reporting political action committee;
- 934 (viii) a ~~[paragraph signed]~~ statement by the political action committee's treasurer or
- 935 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
- 936 knowledge, the financial report is accurate; and
- 937 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 938 (A) beginning balance;
- 939 (B) total contributions during the period since the last statement;
- 940 (C) total contributions to date;
- 941 (D) total expenditures during the period since the last statement; and
- 942 (E) total expenditures to date.
- 943 (b) (i) Contributions received by a political action committee that have a value of \$50
- 944 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 945 (ii) Two or more contributions from the same source that have an aggregate total of
- 946 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 947 (3) A group or entity may not divide or separate into units, sections, or smaller groups
- 948 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
- 949 shall prevail over form in determining the scope or size of a political action committee.
- 950 (4) A registered political action committee shall report to the lieutenant governor each
- 951 contribution received within 72 hours if the contribution is:
- 952 (a) in excess of \$1,000; and
- 953 (b) within the political action committee's possession seven days before an election or
- 954 municipal election.
- 955 Section 18. Section **20A-11-603** is amended to read:

956 **20A-11-603. Criminal penalties -- Fines.**

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

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

960 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

979 Section 19. Section **20A-11-604** is enacted to read:

980 **20A-11-604. Designation of contribution's use prohibited.**

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

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

984 **20A-11-701. Campaign financial reporting of candidate campaign contributions**
985 **by corporations -- Filing requirements -- Statement contents.**

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

987 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
988 governor's office ~~[on]~~:

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

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

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

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

993 (b) The corporation shall report:

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

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

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

1000 (A) has bid since the last financial statement on a contract, as defined in Section
1001 63G-6-103, in excess of \$100,000;

1002 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
1003 \$100,000; or

1004 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.

1005 (c) The corporation need not file a statement under this section if it made no
1006 expenditures during the reporting period.

1007 (2) That statement shall include:

1008 (a) the name and address of each reporting entity that received an expenditure from the
1009 corporation, and the amount of each expenditure;

1010 (b) the total amount of expenditures disbursed by the corporation; and

1011 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
1012 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
1013 financial report.

1014 Section 21. Section **20A-11-702** is amended to read:

1015 **20A-11-702. Campaign financial reporting of political issues expenditures by**
1016 **corporations -- Financial reporting.**

1017 (1) (a) Each corporation that has made political issues expenditures on current or

1018 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
1019 financial statement with the lieutenant governor's office ~~[on]~~:

1020 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1021 ~~(ii) seven days before the regular primary election date;~~

1022 ~~[(ii)] (iii) on~~ August 31; and

1023 ~~[(iii)] (iv) seven days before the regular general election date.~~

1024 (b) The corporation shall report:

1025 (i) a detailed listing of all expenditures made since the last statement; and

1026 (ii) for financial statements ~~[filed on August 31 and before the primary and general~~
1027 ~~elections]~~ under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the
1028 required filing date of the financial statement.

1029 (c) The corporation need not file a statement under this section if it made no
1030 expenditures during the reporting period.

1031 (2) That statement shall include:

1032 (a) the name and address of each individual, entity, or group of individuals or entities
1033 that received a political issues expenditure of more than \$50 from the corporation, and the
1034 amount of each political issues expenditure;

1035 (b) the total amount of political issues expenditures disbursed by the corporation; and

1036 (c) ~~[a paragraph signed]~~ a statement by the corporation's treasurer or chief financial
1037 officer ~~[verifying]~~ certifying the accuracy of the verified financial statement.

1038 Section 22. Section **20A-11-703** is amended to read:

1039 **20A-11-703. Criminal penalties -- Fines.**

1040 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1041 the lieutenant governor shall review each filed statement to ensure that:

1042 (a) each corporation that is required to file a statement has filed one; and

1043 (b) each statement contains the information required by this part.

1044 (2) If it appears that any corporation has failed to file any statement, if it appears that a
1045 filed statement does not conform to the law, or if the lieutenant governor has received a written
1046 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
1047 shall[-];

1048 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

1049 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1050 the corporation of the violation or written complaint and direct the corporation to file a
1051 statement correcting the problem.

1052 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14
1053 days after receiving notice from the lieutenant governor under this section.

1054 (b) Each corporation [~~who~~] that violates Subsection (3)(a) is guilty of a class B
1055 misdemeanor.

1056 (c) The lieutenant governor shall report all violations of [~~this~~] Subsection (3)(a) to the
1057 attorney general.

1058 Section 23. Section **20A-11-802** is amended to read:

1059 **20A-11-802. Political issues committees -- Financial reporting.**

1060 (1) (a) Each registered political issues committee that has received political issues
1061 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1062 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
1063 governor's office:

1064 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1065 previous year;

1066 (ii) seven days before the date of an incorporation election, if the political issues
1067 committee has received donations or made disbursements to affect an incorporation;

1068 (iii) at least three days before the first public hearing held as required by Section
1069 20A-7-204.1;

1070 (iv) if the political issues committee has received or expended funds in relation to an
1071 initiative or referendum, at the time the initiative or referendum sponsors submit:

1072 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1073 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1074 (v) on August 31; and

1075 (vi) seven days before the regular general election.

1076 (b) The political issues committee shall report:

1077 (i) a detailed listing of all contributions received and expenditures made since the last
1078 statement; and

1079 (ii) for financial statements filed on August 31 and before the general election, all

1080 contributions and expenditures as of three days before the required filing date of the financial
1081 statement.

1082 (c) The political issues committee need not file a statement under this section if it
1083 received no contributions and made no expenditures during the reporting period.

1084 (2) (a) That statement shall include:

1085 (i) the name[;] and address[~~,-and-occupation~~] of any individual that makes a political
1086 issues contribution to the reporting political issues committee, and the amount of the political
1087 issues contribution;

1088 (ii) the identification of any publicly identified class of individuals that makes a
1089 political issues contribution to the reporting political issues committee, and the amount of the
1090 political issues contribution;

1091 (iii) the name and address of any political issues committee, group, or entity that makes
1092 a political issues contribution to the reporting political issues committee, and the amount of the
1093 political issues contribution;

1094 (iv) the name and address of each reporting entity that makes a political issues
1095 contribution to the reporting political issues committee, and the amount of the political issues
1096 contribution;

1097 (v) for each nonmonetary contribution, the fair market value of the contribution;

1098 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1099 entity, or group of individuals or entities that received a political issues expenditure [~~of more~~
1100 ~~than \$50~~] from the reporting political issues committee, and the amount of each political issues
1101 expenditure;

1102 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1103 (viii) the total amount of political issues contributions received and political issues
1104 expenditures disbursed by the reporting political issues committee;

1105 (ix) [~~a paragraph signed~~] a statement by the political issues committee's treasurer or
1106 chief financial officer [~~verifying~~] certifying that, to the best of the [~~signer's~~] person's
1107 knowledge, the financial statement is accurate; and

1108 (x) a summary page in the form required by the lieutenant governor that identifies:

1109 (A) beginning balance;

1110 (B) total contributions during the period since the last statement;

- 1111 (C) total contributions to date;
- 1112 (D) total expenditures during the period since the last statement; and
- 1113 (E) total expenditures to date.
- 1114 (b) (i) Political issues contributions received by a political issues committee that have a
- 1115 value of \$50 or less need not be reported individually, but shall be listed on the report as an
- 1116 aggregate total.
- 1117 (ii) Two or more political issues contributions from the same source that have an
- 1118 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
- 1119 separately.
- 1120 (c) When reporting political issue expenditures made to circulators of initiative
- 1121 petitions, the political issues committee:
- 1122 (i) need only report the amount paid to each initiative petition circulator; and
- 1123 (ii) need not report the name or address of the circulator.
- 1124 (3) A registered political issues committee shall report to the lieutenant governor each
- 1125 contribution received within 72 hours if the contribution is:
- 1126 (a) in excess of \$1,000; and
- 1127 (b) within the political issues committee's possession seven days before an election or a
- 1128 municipal election.
- 1129 Section 24. Section **20A-11-901** is amended to read:
- 1130 **20A-11-901. Political advertisements -- Requirement that ads designate**
- 1131 **responsibility and authorization -- Unauthorized use of endorsements.**
- 1132 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
- 1133 advertisement expressly advocating the election or defeat of a clearly identified candidate, or
- 1134 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
- 1135 advertising facility, direct mailing, or any other type of general public political advertising, the
- 1136 advertisement:
- 1137 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
- 1138 shall clearly state that the advertisement has been paid for by the candidate or the campaign
- 1139 committee;
- 1140 (ii) if paid for by another person but authorized by a candidate or the candidate's
- 1141 campaign committee, shall clearly state who paid for the advertisement and that the candidate

1142 or the campaign committee authorized the advertisement; or

1143 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the
1144 name of the person who paid for the advertisement and state that the advertisement is not
1145 authorized by any candidate or candidate's committee.

1146 (b) The requirements of Subsection (1)(a) do not apply to:

1147 (i) lawn signs with dimensions of four by eight feet or smaller;

1148 (ii) bumper stickers;

1149 (iii) campaign pins, buttons, and pens; and

1150 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

1151 (2) (a) A person who pays for an electioneering communication shall file a report with
1152 the lieutenant governor within 24 hours of making the payment or promising to make the
1153 payment.

1154 (b) The report shall include:

1155 (i) the name and street address of the person described in Subsection (2)(a);

1156 (ii) the name and address of each person contributing at least \$100 to the person
1157 described in Subsection (2)(a) for the purpose of disseminating the electioneering
1158 communication;

1159 (iii) the amount spent on the electioneering communication;

1160 (iv) the name of the identified referenced candidate; and

1161 (v) the medium used to disseminate the electioneering communication.

1162 [~~2~~] (3) A person may not, in order to promote the success of any candidate for
1163 nomination or election to any public office, or in connection with any question submitted to the
1164 voters, include or cause to be included the name of any person as endorser or supporter in any
1165 political advertisement, circular, poster, or publication without the express consent of that
1166 person.

1167 [~~3~~] (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
1168 any newspaper or other periodical to induce him to advocate or oppose editorially any
1169 candidate for nomination or election.

1170 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
1171 advocate or oppose editorially any candidate for nomination or election.

1172 Section 25. Section **20A-11-904** is enacted to read:

1173 **20A-11-904. Contribution given in another's name prohibited.**

1174 A person may not:

1175 (1) make a contribution in the name of another;

1176 (2) knowingly permit another to make a contribution in the person's name; or

1177 (3) knowingly accept a contribution made by one person in the name of another.

1178 Section 26. Section **20A-11-1001** is amended to read:

1179 **20A-11-1001. Electronic form prepared by chief election officer.**

1180 The chief election officer shall:

1181 (1) develop and prepare ~~[forms for all]~~ an electronic form for all financial statements

1182 required by this chapter; and

1183 (2) provide ~~[copies of the forms]~~ access to the electronic form to the secretary of every

1184 committee, to every candidate, and to all others who request them.

1185 Section 27. Section **20A-11-1002** is amended to read:

1186 **20A-11-1002. Retention and public inspection of financial statements -- Written**
1187 **complaint if statement is false or unlawful.**

1188 (1) The chief election officer shall:

1189 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1190 Judicial Retention Elections:

1191 (i) open to public inspection in the office of the chief election officer; and

1192 (ii) available for viewing on the Internet ~~[at the lieutenant governor's website within~~
1193 ~~seven calendar days after the report is received by the chief election officer]~~ in accordance with

1194 Section 20A-11-103;

1195 (b) preserve those statements for at least five years; and

1196 (c) provide certified copies of the financial statements in the same manner as for other
1197 public records.

1198 (2) Any candidate or voter may file a written complaint with the chief election officer
1199 alleging that a filed financial statement does not conform to law or to the truth.

1200 Section 28. Section **20A-11-1005** is enacted to read:

1201 **20A-11-1005. Fines for failing to file a financial statement.**

1202 (1) The chief election officer shall fine a filing entity:

1203 (a) \$300 for failing to file a financial statement by the filing deadline; and

1204 **(b) \$500 for each month after the filing deadline in which the filing entity fails to file**
1205 **the report.**

1206 **(2) If a filing entity is unable to pay the fine and files an affidavit of impecuniosity in a**
1207 **manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine**
1208 **against the candidate or treasurer, as appropriate.**

1209 **(3) The chief election officer shall deposit fines collected under this chapter in the**
1210 **General Fund.**

1211 Section 29. Section **20A-11-1301** is amended to read:

1212 **20A-11-1301. School board office candidate -- Campaign requirements.**

1213 (1) Each school board office candidate shall deposit each contribution and public
1214 service assistance received in one or more separate accounts in a financial institution that are
1215 dedicated only to that purpose.

1216 (2) A school board office candidate may not deposit or mingle any contributions or
1217 public service assistance received into a personal or business account.

1218 (3) A school board office candidate may not make any political expenditures prohibited
1219 by law.

1220 (4) If a person who is no longer a school board candidate chooses not to expend the
1221 monies remaining in a campaign account, the person shall continue to file the year-end
1222 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1223 summary report required by Section 20A-11-1304 are filed with:

1224 (a) the lieutenant governor in the case of a state school board candidate; and

1225 (b) the county clerk, in the case of a local school board candidate.

1226 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1227 is no longer a school board candidate may not expend or transfer the monies in a campaign
1228 account in a manner that would cause the former school board candidate to recognize the
1229 monies as taxable income under federal tax law.

1230 (b) A person who is no longer a school board candidate may transfer the monies in a
1231 campaign account in a manner that would cause the former school board candidate to recognize
1232 the monies as taxable income under federal tax law if the transfer is made to a campaign
1233 account for federal office.

1234 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1235 (i) for a cash contribution, that the cash is given to a [~~legislative~~] school board office
 1236 candidate or a member of the candidate's personal campaign committee;

1237 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1238 instrument or check is negotiated; and

1239 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1240 inures to the [~~legislative~~] school board office candidate.

1241 (b) Each school board office candidate shall report to the chief election officer each
 1242 contribution and public service assistance [~~to the lieutenant governor~~];

1243 (i) within 30 days after the contribution or public service assistance is received[-]; and

1244 (ii) within 72 hours if the contribution or public service assistance is:

1245 (A) in excess of \$1,000; and

1246 (B) within the school board office candidate's possession seven days before an election.

1247 Section 30. Section **20A-11-1302** is amended to read:

1248 **20A-11-1302. School board office candidate -- Financial reporting requirements**

1249 **-- Year-end summary report.**

1250 (1) (a) Each school board office candidate shall file a summary report by January 10 of
 1251 the year after the regular general election year.

1252 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the
 1253 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
 1254 statement of dissolution and final summary report required under Section 20A-11-1304 shall
 1255 continue to file a summary report on January 10 of each year.

1256 (2) (a) Each summary report shall include the following information as of December 31
 1257 of the previous year:

1258 (i) the net balance of the last [~~summary report~~] financial statement, if any;

1259 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
 1260 if any, during the previous year;

1261 (iii) a single figure equal to the total amount of expenditures reported on all interim
 1262 reports, if any, filed during the previous year;

1263 (iv) a detailed listing of each receipt, contribution, and public service assistance since
 1264 the last summary report that has not been reported in detail on an interim report;

1265 (v) for each nonmonetary contribution:

1266 (A) the fair market value of the contribution with that information provided by the
1267 contributor; and

1268 (B) a specific description of the contribution;

1269 (vi) a detailed listing of each expenditure made since the last summary report that has
1270 not been reported in detail on an interim report;

1271 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1272 (viii) a net balance for the year consisting of the net balance from the last summary
1273 report, if any, plus all receipts minus all expenditures.

1274 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1275 single aggregate figure may be reported without separate detailed listings.

1276 (ii) Two or more contributions from the same source that have an aggregate total of
1277 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1278 (c) In preparing the report, all receipts and expenditures shall be reported as of
1279 December 31 of the previous year.

1280 (d) A check or negotiable instrument within the possession of a school board office
1281 candidate on or before December 31 of the previous year shall be negotiated and included in
1282 the summary report.

1283 (3) [~~The summary report shall contain a paragraph signed by the~~] The school board
1284 office candidate [~~certifying~~] shall certify in the summary report that, to the best of the school
1285 board office candidate's knowledge, all receipts and all expenditures have been reported as of
1286 December 31 of the previous year and that there are no bills or obligations outstanding and
1287 unpaid except as set forth in that report.

1288 Section 31. Section **20A-11-1303** is amended to read:

1289 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1290 **-- Interim reports.**

1291 (1) Each school board office candidate shall file an interim report at the following
1292 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1293 (a) May 15, for state school board office candidates;

1294 (b) seven days before the regular primary election date;

1295 (c) August 31; and

1296 (d) seven days before the regular general election date.

- 1297 (2) Each interim report shall include the following information:
- 1298 (a) the net balance of the last [~~summary report~~] financial statement, if any;
- 1299 (b) a single figure equal to the total amount of receipts reported on all prior interim
1300 reports, if any, during the calendar year in which the interim report is due;
- 1301 (c) a single figure equal to the total amount of expenditures reported on all prior
1302 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1303 (d) a detailed listing of each contribution and public service assistance received since
1304 the last summary report that has not been reported in detail on a prior interim report;
- 1305 (e) for each nonmonetary contribution:
- 1306 (i) the fair market value of the contribution with that information provided by the
1307 contributor; and
- 1308 (ii) a specific description of the contribution;
- 1309 (f) a detailed listing of each expenditure made since the last summary report that has
1310 not been reported in detail on a prior interim report;
- 1311 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1312 (h) a net balance for the year consisting of the net balance from the last summary
1313 report, if any, plus all receipts since the last summary report minus all expenditures since the
1314 last summary report; and
- 1315 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1316 (i) beginning balance;
- 1317 (ii) total contributions during the period since the last statement;
- 1318 (iii) total contributions to date;
- 1319 (iv) total expenditures during the period since the last statement; and
- 1320 (v) total expenditures to date.
- 1321 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
1322 single aggregate figure may be reported without separate detailed listings.
- 1323 (b) Two or more contributions from the same source that have an aggregate total of
1324 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 1325 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1326 as of five days before the required filing date of the report.
- 1327 (b) Any negotiable instrument or check [~~received by~~] within the possession of a school

1328 board office candidate more than five days before the required filing date of a report required
1329 by this section shall be negotiated and included in the interim report.

1330 Section 32. Section **20A-11-1305** is amended to read:

1331 **20A-11-1305. School board office candidate -- Failure to file statement --**

1332 **Penalties.**

1333 (1) (a) If a school board office candidate fails to file an interim report due before the
1334 regular primary election, on August 31, and before the regular general election, the chief
1335 election officer shall, after making a reasonable attempt to discover if the report was timely
1336 ~~[mailed] filed, [inform the county clerk and other appropriate election officials who:]~~ impose a
1337 fine against the filing entity in accordance with Section 20A-11-1005.

1338 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~
1339 ~~candidate's name before the ballots are delivered to voters; or]~~

1340 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1341 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1342 ~~cast for candidate will not be counted; and]~~

1343 ~~[(iii) may not count any votes for that candidate.]~~

1344 ~~[(b) Any school board office candidate who fails to file timely a financial statement~~
1345 ~~required by this part is disqualified and the vacancy on the ballot may be filled as provided in~~
1346 ~~Section 20A-1-501.]~~

1347 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is~~
1348 ~~not disqualified if:]~~

1349 (b) The chief election officer may not impose the fine if:

1350 (i) the candidate timely files the reports required by this section in accordance with
1351 Section 20A-11-103;

1352 (ii) those reports are completed, detailing accurately and completely the information
1353 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1354 and

1355 (iii) those omissions, errors, or inaccuracies ~~[are]~~ described in Subsection (1)(b)(ii) are
1356 explained, clearly shown, and corrected in an amended report or in the next scheduled report.

1357 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1358 for state school board, the lieutenant governor shall review each filed summary report to ensure

1359 that:

1360 (i) each state school board candidate that is required to file a summary report has filed
1361 one; and

1362 (ii) each summary report contains the information required by this part.

1363 (b) If it appears that any state school board candidate has failed to file the summary
1364 report required by law, if it appears that a filed summary report does not conform to the law, or
1365 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1366 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1367 violation or receipt of a written complaint, notify the state school board candidate of the
1368 violation or written complaint and direct the state school board candidate to file a summary
1369 report correcting the problem.

1370 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1371 summary report within 14 days after receiving notice from the lieutenant governor under this
1372 section.

1373 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1374 class B misdemeanor.

1375 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1376 attorney general.

1377 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1378 clerk shall review each filed summary report to ensure that:

1379 (i) each local school board candidate that is required to file a summary report has filed
1380 one; and

1381 (ii) each summary report contains the information required by this part.

1382 (b) If it appears that any local school board candidate has failed to file the summary
1383 report required by law, if it appears that a filed summary report does not conform to the law, or
1384 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1385 of any summary report, the county clerk shall, within five days of discovery of a violation or
1386 receipt of a written complaint, notify the local school board candidate of the violation or
1387 written complaint and direct the local school board candidate to file a summary report
1388 correcting the problem.

1389 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a

1390 summary report within 14 days after receiving notice from the county clerk under this section.

1391 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1392 class B misdemeanor.

1393 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1394 county attorney.

1395 Section 33. Section **20A-11-1402** is amended to read:

1396 **20A-11-1402. Definitions.**

1397 (1) As used in this part:

1398 (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda,
1399 judicial retention questions, opinion questions, or other questions submitted to the voters for
1400 their approval or rejection.

1401 [~~(b)(i) "Labor organization" means a lawful organization of any kind that is composed,
1402 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
1403 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
1404 employment, or other terms and conditions of employment.]~~

1405 [~~(ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each
1406 employee association and union for employees of public and private sector employers:]~~

1407 [~~(iii) "Labor organization" does not include organizations governed by the National
1408 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
1409 et seq.]~~

1410 [~~(e)~~] (b) "Political fund" means a separate segregated fund established by a labor
1411 organization for political purposes that meets the requirements of this part.

1412 [~~(d)~~] (c) "Political purposes" means an act done with the intent or in a way to influence
1413 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1414 against any candidate for public office at any caucus, political convention, [primary,] or
1415 election.

1416 [~~(e)~~] (d) "Union dues" means dues, fees, monies, or other assessments required as a
1417 condition of membership or participation in a labor organization.

1418 (2) Other terms defined in Section 20A-11-101 apply to this part.

1419 Section 34. Section **20A-11-1501** is enacted to read:

1420 **Part 15. Labor Organizations**

1421 **20A-11-1501. Campaign financial reporting of contributions -- Filing**
1422 **requirements -- Statement contents.**

1423 (1) (a) Each labor organization that has made expenditures for political purposes or
1424 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1425 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1426 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1427 (ii) seven days before the regular primary election date;

1428 (iii) on August 31; and

1429 (iv) seven days before the regular general election date.

1430 (b) The labor organization shall report:

1431 (i) a detailed listing of all expenditures made since the last statement; and

1432 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1433 expenditures as of five days before the required filing date of the financial statement.

1434 (c) The labor organization need not file a statement under this section if it made no
1435 expenditures during the reporting period.

1436 (2) That statement shall include:

1437 (a) the name and address of each reporting entity that received an expenditure or
1438 political issues expenditure of more than \$50 from the labor organization, and the amount of
1439 each expenditure or political issues expenditure;

1440 (b) the total amount of expenditures disbursed by the labor organization; and

1441 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1442 the accuracy of the financial report.

1443 Section 35. Section **20A-11-1502** is enacted to read:

1444 **20A-11-1502. Criminal penalties -- Fines.**

1445 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1446 the lieutenant governor shall review each filed statement to ensure that:

1447 (a) each labor organization that is required to file a statement has filed one; and

1448 (b) each statement contains the information required by this part.

1449 (2) If it appears that any labor organization has failed to file any statement, if it appears
1450 that a filed statement does not conform to the law, or if the lieutenant governor has received a
1451 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant

1452 governor shall:

1453 (a) impose a fine against the labor organization in accordance with Section
1454 20A-11-1005; and

1455 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1456 the labor organization of the violation or written complaint and direct the labor organization to
1457 file a statement correcting the problem.

1458 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement
1459 within 14 days after receiving notice from the lieutenant governor under this section.

1460 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
1461 misdemeanor.

1462 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1463 attorney general.

1464 Section 36. Section **20A-12-303** is amended to read:

1465 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1466 (1) The judge or the judge's personal campaign committee shall deposit each
1467 contribution in one or more separate personal campaign accounts in a financial institution.

1468 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1469 any contributions received into a personal or business account.

1470 (3) (a) As used in this Subsection (3), "received" means:

1471 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1472 campaign committee;

1473 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1474 instrument or check is negotiated; and

1475 (iii) for any other type of contribution, that any portion of the contribution's benefit
1476 inures to the judge.

1477 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1478 governor each contribution:

1479 (i) within 30 days after the contribution is received; and

1480 (ii) within 72 hours if the contribution is:

1481 (A) in excess of \$1,000; and

1482 (B) within the possession of the judge or the judge's personal campaign committee

1483 seven days before an election.

1484 Section 37. Section **20A-12-304** is amended to read:

1485 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1486 **requirements -- Year-end summary report.**

1487 (1) The judge's personal campaign committee shall file a summary report with the
1488 lieutenant governor by January 10 of the year after the regular general election year.

1489 (2) (a) Each summary report shall include the following information as of December 31
1490 of the last regular general election year:

1491 (i) a single figure equal to the total amount of contributions reported on the interim
1492 report;

1493 (ii) a single figure equal to the total amount of expenditures reported on the interim
1494 report;

1495 (iii) a detailed listing of each contribution received since the last summary report that
1496 has not been reported in detail on the interim report;

1497 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1498 (v) a detailed listing of each expenditure made since the last summary report that has
1499 not been reported in detail on the interim report;

1500 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1501 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1502 (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported
1503 without a separate detailed listing.

1504 (ii) Two or more contributions from the same source for a total of more than \$50 may
1505 not be reported in the aggregate, but shall be reported in the detailed listing.

1506 (c) A check or negotiable instrument within the possession of a judge or the judge's
1507 personal campaign committee on or before December 31 of the previous year shall be
1508 negotiated and included in the summary report.

1509 (3) [~~The summary report shall contain a statement signed by the~~] The judge [certifying]
1510 shall certify in the summary report that, to the best of the judge's knowledge, all contributions
1511 and all expenditures have been reported as of December 31 of the last regular general election
1512 year and that there are no financial obligations outstanding except as set forth in the report.

1513 Section 38. Section **20A-12-305** is amended to read:

1514 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1515 **requirements -- Interim report.**

1516 (1) The judge's personal campaign committee shall file an interim report with the
1517 lieutenant governor [~~no later than 5 p.m.~~] before the close of normal office hours on the date
1518 seven days before the regular general election date.

1519 (2) Each interim report shall include the following information:

1520 (a) a detailed listing of each contribution received since the last [~~summary report~~]
1521 financial statement;

1522 (b) for each nonmonetary contribution, the fair market value of the contribution;

1523 (c) a detailed listing of each expenditure made since the last summary report;

1524 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1525 (e) a net balance for the year consisting of all contributions since the last summary
1526 report minus all expenditures since the last summary report.

1527 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
1528 reported without separate detailed listings.

1529 (b) Two or more contributions from the same source that have an aggregate total of
1530 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1531 (4) In preparing each interim report, all contributions and expenditures shall be
1532 reported as of five days before the required filing date of the report.

1533 (5) A negotiable instrument or check within the possession of a judge or the judge's
1534 personal campaign committee more than five days before the required filing date of a report
1535 required by this section shall be negotiated and included in the interim report.

1536 Section 39. Section **20A-12-306** is amended to read:

1537 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1538 (1) (a) If a judge's personal campaign committee fails to file the interim report due
1539 before the regular general election, the lieutenant governor shall, after making a reasonable
1540 attempt to discover if the report was timely [~~mailed, inform the county clerk and other~~
1541 ~~appropriate election officials who:~~] filed, impose a fine against the judge's personal campaign
1542 committee in accordance with Section 20A-11-1005.

1543 [~~(i) shall, if practicable, remove the name of the judge by blacking out the judge's name~~
1544 ~~before the ballots are delivered to voters; or]~~

1545 ~~[(ii) shall, if removing the judge's name from the ballot is not practicable, inform the~~
1546 ~~voters by any practicable method that the judge has been disqualified and that votes cast for the~~
1547 ~~judge will not be counted; and]~~

1548 ~~[(iii) may not count any votes for that judge.]~~

1549 ~~[(b) Any judge who fails to file timely a financial statement required by this part is~~
1550 ~~disqualified.]~~

1551 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:]~~

1552 (b) The lieutenant governor may not impose a fine if:

1553 (i) the candidate timely files the reports required by this section in accordance with
1554 Section 20A-11-103;

1555 (ii) ~~[those]~~ the reports are completed, detailing accurately and completely the
1556 information required by this part except for inadvertent omissions or insignificant errors or
1557 inaccuracies; and

1558 (iii) ~~[those]~~ the omissions, errors, or inaccuracies ~~[are]~~ described in Subsection
1559 (1)(b)(ii) are explained, clearly shown, and corrected in an amended report or in the next
1560 scheduled report.

1561 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1562 governor shall review each filed summary report to ensure that:

1563 (i) each judge that is required to file a summary report has filed one; and

1564 (ii) each summary report contains the information required by this part.

1565 (b) If it appears that any judge has failed to file the summary report required by law, if
1566 it appears that a filed summary report does not conform to the law, or if the lieutenant governor
1567 has received a written complaint alleging a violation of the law or the falsity of any summary
1568 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a
1569 written complaint, notify the judge of the violation or written complaint and direct the judge to
1570 file a summary report correcting the problem.

1571 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
1572 days after receiving notice from the lieutenant governor under this section.

1573 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1574 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1575 attorney general.

1576

Section 40. **Effective date.**

1577

This bill takes effect on January 1, 2011.