

**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

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**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 three business days;
- ▶ requires checks that have been negotiated to be reported in an interim or summary report;
- ▶ requires a person sponsoring certain electioneering communications to file a report;
- ▶ repeals a provision requiring a political action committee or political issues committee to disclose the occupation of a person who makes a contribution;
- ▶ establishes additional filing deadlines for some filing entities;
- ▶ requires a corporation to disclose certain contracts with the state;
- ▶ prohibits making a campaign contribution in another's name;
- ▶ establishes reporting requirements for labor organizations;



- 26           ▶ imposes a fine for failure to file a timely financial statement; and
- 27           ▶ makes technical changes.

**28 Monies Appropriated in this Bill:**

29           None

**30 Other Special Clauses:**

31           This bill takes effect on January 1, 2011.

**32 Utah Code Sections Affected:**

**33 AMENDS:**

- 34           **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361
- 35           **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 36           **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361
- 37           **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361
- 38           **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202
- 39           **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361
- 40           **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361
- 41           **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202
- 42           **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355
- 43           **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14
- 44           **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14
- 45           **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 46           **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14
- 47           **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14
- 48           **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14
- 49           **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355
- 50           **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 51           **20A-11-901**, as enacted by Laws of Utah 1995, Chapter 1
- 52           **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355
- 53           **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317
- 54           **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 55           **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361
- 56           **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361

- 57            **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14
- 58            **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166
- 59            **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14
- 60            **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166
- 61            **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

62 ENACTS:

- 63            **20A-11-904**, Utah Code Annotated 1953
- 64            **20A-11-1005**, Utah Code Annotated 1953
- 65            **20A-11-1501**, Utah Code Annotated 1953
- 66            **20A-11-1502**, Utah Code Annotated 1953
- 67            **20A-11-1503**, Utah Code Annotated 1953



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

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

71            **20A-11-101. Definitions.**

72            As used in this chapter:

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

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

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

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

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

83            (4) "Chief election officer" means:

84            (a) the lieutenant governor for state office candidates, legislative office candidates,  
85 officeholders, political parties, political action committees, corporations, political issues  
86 committees, ~~and~~ state school board candidates, judges, and labor organizations, as defined in  
87 Section 20A-11-1501; and

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

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

92 [(~~6~~) (5) (a) "Contribution" means any of the following when done for political  
93 purposes:

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

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

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

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

103 (v) remuneration from:

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

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

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

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

111 (b) "Contribution" does not include:

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

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

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

119            [~~(7)~~] (6) "Coordinated with" means that goods or services provided for the benefit of a  
120 candidate or political party are provided:

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

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

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

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

127            [~~(8)~~] (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
128 organization that is registered as a corporation or is authorized to do business in a state and  
129 makes any expenditure from corporate funds for:

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

131            (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
132 proposition.

133            (b) "Corporation" does not mean:

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

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

136            [~~(9)~~] (8) "Detailed listing" means:

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

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

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

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

142            (b) for each expenditure:

143            (i) the amount of the expenditure;

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

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

146            (iv) the date the expenditure was made.

147            [~~(10)~~] (9) "Election" means each:

148            (a) regular general election;

149            (b) regular primary election; and

- 150 (c) special election at which candidates are eliminated and selected.
- 151 (10) "Electioneering communication" means a communication that:
- 152 (a) has at least a value of \$10,000;
- 153 (b) clearly identifies a candidate or judge; and
- 154 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 155 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 156 identified candidate's or judge's election date.
- 157 (11) (a) "Expenditure" means:
- 158 (i) any disbursement from contributions, receipts, or from the separate bank account
- 159 required by this chapter;
- 160 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 161 or anything of value made for political purposes;
- 162 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 163 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 164 value for political purposes;
- 165 (iv) compensation paid by ~~a corporation or~~ a filing entity for personal services
- 166 rendered by a person without charge to a reporting entity;
- 167 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 168 committee; or
- 169 (vi) goods or services provided by the filing entity to or for the benefit of another
- 170 reporting entity for political purposes at less than fair market value.
- 171 (b) "Expenditure" does not include:
- 172 (i) services provided without compensation by individuals volunteering a portion or all
- 173 of their time on behalf of a reporting entity;
- 174 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 175 business; or
- 176 (iii) anything listed in Subsection (11)(a) that is given by ~~a corporation or~~ a reporting
- 177 entity to candidates for office or officeholders in states other than Utah.
- 178 (12) "Filing entity" means the reporting entity that is ~~[filing]~~ required to file a financial
- 179 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 180 (13) "Financial statement" includes any summary report, interim report, verified

181 financial statement, or other statement disclosing contributions, expenditures, receipts,  
182 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
183 Retention Elections.

184 (14) "Governing board" means the individual or group of individuals that determine the  
185 candidates and committees that will receive expenditures from a political action committee,  
186 political party, or corporation.

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

189 (16) "Incorporation election" means the election authorized by Section 10-2-111.

190 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

191 (18) "Individual" means a natural person.

192 (19) "Interim report" means a report identifying the contributions received and  
193 expenditures made since the last report.

194 (20) "Legislative office" means the office of state senator, state representative, speaker  
195 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
196 whip of any party caucus in either house of the Legislature.

197 (21) "Legislative office candidate" means a person who:

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

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

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

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

208 [~~(23)~~] (22) "Officeholder" means a person who holds a public office.

209 [~~(24)~~] (23) "Party committee" means any committee organized by or authorized by the  
210 governing board of a registered political party.

211 [~~(25)~~] (24) "Person" means both natural and legal persons, including individuals,

212 business organizations, personal campaign committees, party committees, political action  
213 committees, political issues committees, [~~labor unions;~~] and labor organizations, as defined in  
214 Section 20A-11-1501.

215 [~~(26)~~] (25) "Personal campaign committee" means the committee appointed by a  
216 candidate to act for the candidate as provided in this chapter.

217 [~~(27)~~] (26) (a) "Political action committee" means an entity, or any group of  
218 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

228 (i) a party committee;

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

231 (iii) an individual;

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

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

236 (vi) a personal campaign committee.

237 [~~(28)~~] (27) "Political convention" means a county or state political convention held by  
238 a registered political party to select candidates.

239 [~~(29)~~] (28) (a) "Political issues committee" means an entity, or any group of individuals  
240 or entities within or outside this state, a major purpose of which is to:

241 (i) solicit or receive donations from any other person, group, or entity to assist in  
242 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or

243 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

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

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

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

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

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

253 (iii) an individual;

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

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

258 [~~30~~] (29) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

274 [~~(31)~~] (30) (a) "Political issues expenditure" means any of the following:

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

277 (A) a ballot proposition; or

278 (B) an incorporation petition or incorporation election;

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

281 (A) a ballot proposition; or

282 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

294 [~~(32)~~] (31) "Political purposes" means an act done with the intent or in a way to  
295 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote  
296 for or against any candidate [~~for public office~~] or a person seeking a municipal or county office  
297 at any caucus, political convention, [~~primary~~], or election.

298 [~~(33)~~] (32) "Primary election" means any regular primary election held under the  
299 election laws.

300 [~~(34)~~] (33) "Public office" means the office of governor, lieutenant governor, state  
301 auditor, state treasurer, attorney general, state or local school board member, state senator, state  
302 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
303 whip, and assistant whip of any party caucus in either house of the Legislature.

304 [~~(35)~~] (34) (a) "Public service assistance" means the following when given or provided

305 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
306 communicate with the officeholder's constituents:

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

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

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

312 (i) anything provided by the state;

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

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

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

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

321 ~~[(36)]~~ (35) "Publicly identified class of individuals" means a group of 50 or more  
322 individuals sharing a common occupation, interest, or association that contribute to a political  
323 action committee or political issues committee and whose names can be obtained by contacting  
324 the political action committee or political issues committee upon whose financial ~~[report they]~~  
325 statement the individuals are listed.

326 ~~[(37)]~~ (36) "Receipts" means contributions and public service assistance.

327 ~~[(38)]~~ (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
328 Lobbyist Disclosure and Regulation Act.

329 ~~[(39)]~~ (38) "Registered political action committee" means any political action  
330 committee that is required by this chapter to file a statement of organization with the lieutenant  
331 governor's office.

332 ~~[(40)]~~ (39) "Registered political issues committee" means any political issues  
333 committee that is required by this chapter to file a statement of organization with the lieutenant  
334 governor's office.

335 ~~[(41)]~~ (40) "Registered political party" means an organization of voters that:

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

339 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter  
340 8, Political Party Formation and Procedures.

341 (41) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

350 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
351 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
352 action committee, ~~and~~ a political issues committee, a corporation, or a labor organization, as  
353 defined in Section 20A-11-1501.

354 (43) "School board office" means the office of state school board or local school board.

355 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or  
356 intangible asset that comprises the contribution.

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

360 (45) "State office" means the offices of governor, lieutenant governor, attorney general,  
361 state auditor, and state treasurer.

362 (46) "State office candidate" means a person who:

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

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

367 (47) "Summary report" means the year end report containing the summary of a  
368 reporting entity's contributions and expenditures.

369 (48) "Supervisory board" means the individual or group of individuals that allocate  
370 expenditures from a political issues committee.

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

372 **20A-11-103. Notice of pending interim and summary reports -- Form of**  
373 **submission -- Public availability -- Notice of local filings.**

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

382 (i) that the financial statement is due;

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

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

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

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

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

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

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

399 (i) to a candidate or political party of the financial statement that is due before the  
400 candidate's political convention; [~~or~~]

401 (ii) of a financial statement due in connection with a public hearing for an initiative  
402 under the requirements of Section 20A-7-204.1[-]; or

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

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

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

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

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

414 [~~(2) Persons or entities submitting financial statements required by this chapter may  
415 submit them: (a) on paper, printed, typed, or legibly handwritten or hand printed; (b) on a  
416 computer disk according to specifications established by the chief election officer that protect  
417 against fraudulent filings and secure the accuracy of the information contained on the computer  
418 disk; (c) via fax; or]~~]

419 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

420 [~~(d)~~] (2) A filing entity shall electronically file a financial statement via electronic mail  
421 or the Internet[;] according to specifications established by the chief election officer.

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

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

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

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

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

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

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

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

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

445 Section 3. Section **20A-11-203** is amended to read:

446 **20A-11-203. State office candidate -- Financial reporting requirements --**  
447 **Year-end summary report.**

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

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

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

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

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

459 (iii) a single figure equal to the total amount of expenditures reported on all interim

460 reports, if any, filed during the previous year;

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

463 (v) for each nonmonetary contribution:

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

466 (B) a specific description of the contribution;

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

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

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

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

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

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

478 (d) A check or negotiable instrument received by a state office candidate or a state  
479 office candidate's personal campaign committee on or before December 31 of the previous year  
480 shall be included in the summary report.

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

487 Section 4. Section **20A-11-204** is amended to read:

488 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**  
489 **reports.**

490 (1) Each state office candidate shall file an interim report at the following times in any

- 491 year in which the candidate has filed a declaration of candidacy for a public office:
- 492 (a) seven days before the candidate's political convention;
- 493 (b) seven days before the regular primary election date;
- 494 (c) August 31; and
- 495 (d) seven days before the regular general election date.
- 496 (2) Each interim report shall include the following information:
- 497 (a) the net balance of the last summary report, if any;
- 498 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 499 reports, if any, during the calendar year in which the interim report is due;
- 500 (c) a single figure equal to the total amount of expenditures reported on all prior
- 501 interim reports, if any, filed during the calendar year in which the interim report is due;
- 502 (d) a detailed listing of each contribution and public service assistance received since
- 503 the last summary report that has not been reported in detail on a prior interim report;
- 504 (e) for each nonmonetary contribution:
- 505 (i) the fair market value of the contribution with that information provided by the
- 506 contributor; and
- 507 (ii) a specific description of the contribution;
- 508 (f) a detailed listing of each expenditure made since the last summary report that has
- 509 not been reported in detail on a prior interim report;
- 510 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 511 (h) a net balance for the year consisting of the net balance from the last summary
- 512 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 513 last summary report; and
- 514 (i) a summary page in the form required by the lieutenant governor that identifies:
- 515 (i) beginning balance;
- 516 (ii) total contributions during the period since the last statement;
- 517 (iii) total contributions to date;
- 518 (iv) total expenditures during the period since the last statement; and
- 519 (v) total expenditures to date.
- 520 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 521 single aggregate figure may be reported without separate detailed listings.

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

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

526 (b) Any negotiable instrument or check received by a state office candidate more than  
527 five days before the required filing date of a report required by this section shall be [~~negotiated~~  
528 ~~and~~] included in the interim report.

529 Section 5. Section **20A-11-206** is amended to read:

530 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

531 (1) (a) If a state office candidate fails to file an interim report due before the regular  
532 primary election, on August 31, or before the regular general election, the lieutenant governor  
533 shall, after making a reasonable attempt to discover if the report was timely [~~mailed;~~] filed:

534 (i) inform the county clerk and other appropriate election officials who:

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

537 [(i)] (II) shall, if removing the candidate's name from the ballot is not practicable,  
538 inform the voters by any practicable method that the candidate has been disqualified and that  
539 votes cast for the candidate will not be counted; and

540 [(iii)] (B) may not count any votes for that candidate[-]; and

541 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

545 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not  
546 disqualified and the lieutenant governor may not impose a fine if:

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

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

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

553 corrected in:

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

555 (B) the next scheduled report.

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

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

559 and

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

561 (b) If it appears that any state office candidate has failed to file the summary report  
562 required by law, if it appears that a filed summary report does not conform to the law, or if the  
563 lieutenant governor has received a written complaint alleging a violation of the law or the  
564 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
565 violation or receipt of a written complaint, notify the state office candidate of the violation or  
566 written complaint and direct the state office candidate to file a summary report correcting the  
567 problem.

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

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

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

574 Section 6. Section **20A-11-302** is amended to read:

575 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**  
576 **Year-end summary report.**

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

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

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

584 of the previous year:

- 585 (i) the net balance of the last [~~summary report~~] financial statement, if any;
- 586 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
- 587 if any, during the calendar year in which the summary report is due;
- 588 (iii) a single figure equal to the total amount of expenditures reported on all interim
- 589 reports, if any, filed during the previous year;
- 590 (iv) a detailed listing of each receipt, contribution, and public service assistance since
- 591 the last summary report that has not been reported in detail on an interim report;
- 592 (v) for each nonmonetary contribution:
  - 593 (A) the fair market value of the contribution with that information provided by the
  - 594 contributor; and
  - 595 (B) a specific description of the contribution;
- 596 (vi) a detailed listing of each expenditure made since the last summary report that has
- 597 not been reported in detail on an interim report;
- 598 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 599 (viii) a net balance for the year consisting of the net balance from the last summary
- 600 report, if any, plus all receipts minus all expenditures.
- 601 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
- 602 single aggregate figure may be reported without separate detailed listings.
- 603 (ii) Two or more contributions from the same source that have an aggregate total of
- 604 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 605 (c) In preparing the report, all receipts and expenditures shall be reported as of
- 606 December 31 of the previous year.
- 607 (d) A check or negotiable instrument received by a legislative office candidate on or
- 608 before December 31 of the previous year shall be included in the summary report.
- 609 (3) [~~The summary report shall contain a paragraph signed by the~~] The legislative office
- 610 candidate [certifying] shall certify in the summary report that to the best of the candidate's
- 611 knowledge, all receipts and all expenditures have been reported as of December 31 of the
- 612 previous year and that there are no bills or obligations outstanding and unpaid except as set
- 613 forth in that report.

614 Section 7. Section **20A-11-303** is amended to read:

615           **20A-11-303. Legislative office candidate -- Financial reporting requirements --**  
616 **Interim reports.**

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

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

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

621           (c) August 31; and

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

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

624           (a) the net balance of the last summary report, if any;

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

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

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

631           (e) for each nonmonetary contribution:

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

634           (ii) a specific description of the contribution;

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

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

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

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

642           (i) beginning balance;

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

644           (iii) total contributions to date;

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

646 (v) total expenditures to date.

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

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

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

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

656 Section 8. Section **20A-11-305** is amended to read:

657 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

658 (1) (a) If a legislative office candidate fails to file an interim report due before the  
659 regular primary election, on August 31, or before the regular general election, the lieutenant  
660 governor shall, after making a reasonable attempt to discover if the report was timely [~~mailed;~~]  
661 filed:

662 (i) inform the county clerk and other appropriate election officials who:

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

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

668 [(iii)] (B) may not count any votes for that candidate[~~;~~]; and

669 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

673 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not  
674 disqualified and the lieutenant governor may not impose a fine if:

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

677 (ii) ~~those~~ the reports are completed, detailing accurately and completely the  
678 information required by this part except for inadvertent omissions or insignificant errors or  
679 inaccuracies; and

680 (iii) ~~those~~ the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are  
681 corrected in:

682 (A) an amended report; or ~~in~~

683 (B) the next scheduled report.

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

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

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

689 (b) If it appears that any legislative office candidate has failed to file the summary  
690 report required by law, if it appears that a filed summary report does not conform to the law, or  
691 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
692 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
693 violation or receipt of a written complaint, notify the legislative office candidate of the  
694 violation or written complaint and direct the legislative office candidate to file a summary  
695 report correcting the problem.

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

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

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

703 Section 9. Section **20A-11-403** is amended to read:

704 **20A-11-403. Failure to file -- Penalties.**

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

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

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

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

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

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

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

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

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

723 Section 10. Section **20A-11-507** is amended to read:

724 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

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

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

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

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

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

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

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

739 (e) for each nonmonetary contribution, the fair market value of the contribution;  
740 (f) a detailed listing of each expenditure made since the last summary report that has  
741 not been reported in detail on a prior interim report;

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

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

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

747 (i) beginning balance;

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

749 (iii) total contributions to date;

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

751 (v) total expenditures to date.

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

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

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

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

759 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

760 (1) (a) Each registered political party that fails to file the interim reports due before the  
761 regular primary election, on August 31, or before the regular general election is:

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

763 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

782 Section 12. Section **20A-11-602** is amended to read:

783 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

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

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

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

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

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

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

- 801 (i) the name~~[,]~~ and address~~[, and occupation]~~ of any individual that makes a  
802 contribution to the reporting political action committee, and the amount of the contribution;
- 803 (ii) the identification of any publicly identified class of individuals that makes a  
804 contribution to the reporting political action committee, and the amount of the contribution;
- 805 (iii) the name and address of any political action committee, group, or entity that makes  
806 a contribution to the reporting political action committee, and the amount of the contribution;
- 807 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 808 (v) the name and address of each reporting entity that received an expenditure from the  
809 reporting political action committee, and the amount of each expenditure;
- 810 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 811 (vii) the total amount of contributions received and expenditures disbursed by the  
812 reporting political action committee;
- 813 (viii) a ~~[paragraph signed]~~ statement by the political action committee's treasurer or  
814 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's  
815 knowledge, the financial report is accurate; and
- 816 (ix) a summary page in the form required by the lieutenant governor that identifies:  
817 (A) beginning balance;  
818 (B) total contributions during the period since the last statement;  
819 (C) total contributions to date;  
820 (D) total expenditures during the period since the last statement; and  
821 (E) total expenditures to date.
- 822 (b) (i) Contributions received by a political action committee that have a value of \$50  
823 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 824 (ii) Two or more contributions from the same source that have an aggregate total of  
825 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 826 (3) A group or entity may not divide or separate into units, sections, or smaller groups  
827 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
828 shall prevail over form in determining the scope or size of a political action committee.
- 829 Section 13. Section **20A-11-603** is amended to read:
- 830 **20A-11-603. Criminal penalties -- Fines.**
- 831 (1) (a) Each political action committee that fails to file the financial statement due

832 before the regular primary election, on August 31, or before the regular general session is;

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

834 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

853 Section 14. Section **20A-11-701** is amended to read:

854 **20A-11-701. Campaign financial reporting of candidate campaign contributions**  
855 **by corporations -- Filing requirements -- Statement contents.**

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

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

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

861 ~~(ii)~~ (iii) on August 31; and

862 ~~(iii)~~ (iv) seven days before the regular general election date.

- 863 (b) The corporation shall report:
- 864 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~
- 865 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
- 866 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing
- 867 date of the financial statement~~[-]; and~~
- 868 (iii) whether the corporation, including an officer, director, spouse, or person with at
- 869 least 10% ownership in the corporation:
- 870 (A) has bid since the last financial statement on a contract, as defined in Section
- 871 63G-6-103, in excess of \$100,000;
- 872 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
- 873 \$100,000; or
- 874 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.
- 875 (c) The corporation need not file a financial statement under this section if ~~[it]~~ the
- 876 corporation made no expenditures during the reporting period.
- 877 (2) ~~[That]~~ The financial statement shall include:
- 878 (a) the name and address of each reporting entity that received an expenditure from the
- 879 corporation, and the amount of each expenditure;
- 880 (b) the total amount of expenditures disbursed by the corporation; and
- 881 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
- 882 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
- 883 financial ~~[report]~~ statement.
- 884 Section 15. Section **20A-11-702** is amended to read:
- 885 **20A-11-702. Campaign financial reporting of political issues expenditures by**
- 886 **corporations -- Financial reporting.**
- 887 (1) (a) Each corporation that has made political issues expenditures on current or
- 888 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
- 889 financial statement with the lieutenant governor's office ~~[on]~~:
- 890 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 891 (ii) seven days before the regular primary election date;
- 892 ~~[(ii)]~~ (iii) on August 31; and
- 893 ~~[(iii)]~~ (iv) seven days before the regular general election date.

894 (b) The corporation shall report:  
895 (i) a detailed listing of all expenditures made since the last statement; and  
896 (ii) for financial statements [~~filed on August 31 and before the primary and general~~  
897 ~~elections~~] under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the  
898 required filing date of the financial statement.

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

901 (2) That statement shall include:

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

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

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

908 Section 16. Section **20A-11-703** is amended to read:

909 **20A-11-703. Criminal penalties -- Fines.**

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

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

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

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

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

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

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

924 (b) Each corporation [~~who~~] that violates Subsection (3)(a) is guilty of a class B

925 misdemeanor.

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

928 Section 17. Section **20A-11-802** is amended to read:

929 **20A-11-802. Political issues committees -- Financial reporting.**

930 (1) (a) Each registered political issues committee that has received political issues  
931 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
932 \$50, during a calendar year, shall file a verified financial statement with the lieutenant  
933 governor's office:

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

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

938 (iii) at least three days before the first public hearing held as required by Section  
939 20A-7-204.1;

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

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

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

944 (v) on August 31; and

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

946 (b) The political issues committee shall report:

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

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

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

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

955 (i) the name[;] and address[; ~~and~~ ~~occupation~~] of any individual that makes a political

956 issues contribution to the reporting political issues committee, and the amount of the political  
957 issues contribution;

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

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

964 (iv) the name and address of each reporting entity that makes a political issues  
965 contribution to the reporting political issues committee, and the amount of the political issues  
966 contribution;

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

968 (vi) except as provided in Subsection (2)(c), the name and address of each individual,  
969 entity, or group of individuals or entities that received a political issues expenditure of more  
970 than \$50 from the reporting political issues committee, and the amount of each political issues  
971 expenditure;

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

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

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

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

979 (A) beginning balance;

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

981 (C) total contributions to date;

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

983 (E) total expenditures to date.

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

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

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

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

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

994 Section 18. Section **20A-11-901** is amended to read:

995 **20A-11-901. Political advertisements -- Requirement that ads designate**  
996 **responsibility and authorization -- Unauthorized use of endorsements.**

997 (1) (a) Whenever any person makes an expenditure for the purpose of financing an  
998 advertisement expressly advocating the election or defeat of a clearly identified candidate, or  
999 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor  
1000 advertising facility, direct mailing, or any other type of general public political advertising, the  
1001 advertisement:

1002 (i) if paid for and authorized by a candidate or the candidate's campaign committee,  
1003 shall clearly state that the advertisement has been paid for by the candidate or the campaign  
1004 committee;

1005 (ii) if paid for by another person but authorized by a candidate or the candidate's  
1006 campaign committee, shall clearly state who paid for the advertisement and that the candidate  
1007 or the campaign committee authorized the advertisement; or

1008 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the  
1009 name of the person who paid for the advertisement and state that the advertisement is not  
1010 authorized by any candidate or candidate's committee.

1011 (b) The requirements of Subsection (1)(a) do not apply to:

1012 (i) lawn signs with dimensions of four by eight feet or smaller;

1013 (ii) bumper stickers;

1014 (iii) campaign pins, buttons, and pens; and

1015 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

1016 (2) (a) A person who pays for an electioneering communication shall file a report with  
1017 the lieutenant governor within 24 hours of making the payment or entering into a contract to

1018 make the payment.

1019 (b) The report shall include:

1020 (i) the name and street address of the person described in Subsection (2)(a);

1021 (ii) the name and address of each person contributing at least \$100 to the person

1022 described in Subsection (2)(a) for the purpose of disseminating the electioneering

1023 communication;

1024 (iii) the amount spent on the electioneering communication;

1025 (iv) the name of the identified referenced candidate; and

1026 (v) the medium used to disseminate the electioneering communication.

1027 [~~2~~] (3) A person may not, in order to promote the success of any candidate for

1028 nomination or election to any public office, or in connection with any question submitted to the

1029 voters, include or cause to be included the name of any person as endorser or supporter in any

1030 political advertisement, circular, poster, or publication without the express consent of that

1031 person.

1032 [~~3~~] (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of

1033 any newspaper or other periodical to induce him to advocate or oppose editorially any

1034 candidate for nomination or election.

1035 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to

1036 advocate or oppose editorially any candidate for nomination or election.

1037 Section 19. Section **20A-11-904** is enacted to read:

1038 **20A-11-904. Contribution given in another's name prohibited.**

1039 A person may not:

1040 (1) make a contribution in the name of another;

1041 (2) knowingly permit another to make a contribution in the person's name; or

1042 (3) knowingly accept a contribution made by one person in the name of another.

1043 Section 20. Section **20A-11-1001** is amended to read:

1044 **20A-11-1001. Electronic form prepared by chief election officer.**

1045 The chief election officer shall:

1046 (1) develop and prepare [~~forms for all~~] an electronic form for all financial statements

1047 required by this chapter; and

1048 (2) provide [~~copies of the forms~~] access to the electronic form to the secretary of every

1049 committee, to every candidate, and to all others who request them.

1050 Section 21. Section **20A-11-1002** is amended to read:

1051 **20A-11-1002. Retention and public inspection of financial statements -- Written**  
1052 **complaint if statement is false or unlawful.**

1053 (1) The chief election officer shall:

1054 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1055 Judicial Retention Elections:

1056 (i) open to public inspection in the office of the chief election officer; and

1057 (ii) available for viewing on the Internet [~~at the lieutenant governor's website within~~  
1058 ~~seven calendar days after the report is received by the chief election officer]~~ in accordance with

1059 Section 20A-11-103;

1060 (b) preserve those statements for at least five years; and

1061 (c) provide certified copies of the financial statements in the same manner as for other  
1062 public records.

1063 (2) Any candidate or voter may file a written complaint with the chief election officer  
1064 alleging that a filed financial statement does not conform to law or to the truth.

1065 Section 22. Section **20A-11-1005** is enacted to read:

1066 **20A-11-1005. Fines for failing to file a financial statement.**

1067 (1) The chief election officer shall fine a filing entity \$100 for failing to file a financial  
1068 statement by the filing deadline.

1069 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a  
1070 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine  
1071 against the candidate or treasurer, as appropriate.

1072 (3) The chief election officer shall deposit fines collected under this chapter in the  
1073 General Fund.

1074 Section 23. Section **20A-11-1301** is amended to read:

1075 **20A-11-1301. School board office candidate -- Campaign requirements.**

1076 (1) Each school board office candidate shall deposit each contribution and public  
1077 service assistance received in one or more separate accounts in a financial institution that are  
1078 dedicated only to that purpose.

1079 (2) A school board office candidate may not deposit or mingle any contributions or

1080 public service assistance received into a personal or business account.

1081 (3) A school board office candidate may not make any political expenditures prohibited  
1082 by law.

1083 (4) If a person who is no longer a school board candidate chooses not to expend the  
1084 monies remaining in a campaign account, the person shall continue to file the year-end  
1085 summary report required by Section 20A-11-1302 until the statement of dissolution and final  
1086 summary report required by Section 20A-11-1304 are filed with:

1087 (a) the lieutenant governor in the case of a state school board candidate; and

1088 (b) the county clerk, in the case of a local school board candidate.

1089 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who  
1090 is no longer a school board candidate may not expend or transfer the monies in a campaign  
1091 account in a manner that would cause the former school board candidate to recognize the  
1092 monies as taxable income under federal tax law.

1093 (b) A person who is no longer a school board candidate may transfer the monies in a  
1094 campaign account in a manner that would cause the former school board candidate to recognize  
1095 the monies as taxable income under federal tax law if the transfer is made to a campaign  
1096 account for federal office.

1097 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1098 (i) for a cash contribution, that the cash is given to a [~~legislative~~] school board office  
1099 candidate or a member of the candidate's personal campaign committee;

1100 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1101 instrument or check is negotiated; and

1102 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1103 inures to the [~~legislative~~] school board office candidate.

1104 (b) Each school board office candidate shall report to the chief election officer each  
1105 contribution and public service assistance [~~to the lieutenant governor~~] within 30 days after the  
1106 contribution or public service assistance is received.

1107 Section 24. Section **20A-11-1302** is amended to read:

1108 **20A-11-1302. School board office candidate -- Financial reporting requirements**  
1109 **-- Year-end summary report.**

1110 (1) (a) Each school board office candidate shall file a summary report by January 10 of

1111 the year after the regular general election year.

1112 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the  
1113 requirements of Subsection (1)(a), a former school board office candidate that has not filed the  
1114 statement of dissolution and final summary report required under Section 20A-11-1304 shall  
1115 continue to file a summary report on January 10 of each year.

1116 (2) (a) Each summary report shall include the following information as of December 31  
1117 of the previous year:

1118 (i) the net balance of the last [~~summary report~~] financial statement, if any;

1119 (ii) a single figure equal to the total amount of receipts reported on all interim reports,  
1120 if any, during the previous year;

1121 (iii) a single figure equal to the total amount of expenditures reported on all interim  
1122 reports, if any, filed during the previous year;

1123 (iv) a detailed listing of each receipt, contribution, and public service assistance since  
1124 the last summary report that has not been reported in detail on an interim report;

1125 (v) for each nonmonetary contribution:

1126 (A) the fair market value of the contribution with that information provided by the  
1127 contributor; and

1128 (B) a specific description of the contribution;

1129 (vi) a detailed listing of each expenditure made since the last summary report that has  
1130 not been reported in detail on an interim report;

1131 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1132 (viii) a net balance for the year consisting of the net balance from the last summary  
1133 report, if any, plus all receipts minus all expenditures.

1134 (b) (i) For all individual contributions or public service assistance of \$50 or less, a  
1135 single aggregate figure may be reported without separate detailed listings.

1136 (ii) Two or more contributions from the same source that have an aggregate total of  
1137 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1138 (c) In preparing the report, all receipts and expenditures shall be reported as of  
1139 December 31 of the previous year.

1140 (d) A check or negotiable instrument received by a school board office candidate on or  
1141 before December 31 of the previous year shall be included in the summary report.

1142 (3) ~~[The summary report shall contain a paragraph signed by the]~~ The school board  
1143 office candidate ~~[certifying]~~ shall certify in the summary report that, to the best of the school  
1144 board office candidate's knowledge, all receipts and all expenditures have been reported as of  
1145 December 31 of the previous year and that there are no bills or obligations outstanding and  
1146 unpaid except as set forth in that report.

1147 Section 25. Section **20A-11-1303** is amended to read:

1148 **20A-11-1303. School board office candidate -- Financial reporting requirements**  
1149 **-- Interim reports.**

1150 (1) Each school board office candidate shall file an interim report at the following  
1151 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 1152 (a) May 15, for state school board office candidates;
- 1153 (b) seven days before the regular primary election date;
- 1154 (c) August 31; and
- 1155 (d) seven days before the regular general election date.

1156 (2) Each interim report shall include the following information:

- 1157 (a) the net balance of the last summary report, if any;
- 1158 (b) a single figure equal to the total amount of receipts reported on all prior interim  
1159 reports, if any, during the calendar year in which the interim report is due;
- 1160 (c) a single figure equal to the total amount of expenditures reported on all prior  
1161 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1162 (d) a detailed listing of each contribution and public service assistance received since  
1163 the last summary report that has not been reported in detail on a prior interim report;
- 1164 (e) for each nonmonetary contribution:
  - 1165 (i) the fair market value of the contribution with that information provided by the  
1166 contributor; and
  - 1167 (ii) a specific description of the contribution;
- 1168 (f) a detailed listing of each expenditure made since the last summary report that has  
1169 not been reported in detail on a prior interim report;
- 1170 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1171 (h) a net balance for the year consisting of the net balance from the last summary  
1172 report, if any, plus all receipts since the last summary report minus all expenditures since the

1173 last summary report; and

1174 (i) a summary page in the form required by the lieutenant governor that identifies:

1175 (i) beginning balance;

1176 (ii) total contributions during the period since the last statement;

1177 (iii) total contributions to date;

1178 (iv) total expenditures during the period since the last statement; and

1179 (v) total expenditures to date.

1180 (3) (a) For all individual contributions or public service assistance of \$50 or less, a

1181 single aggregate figure may be reported without separate detailed listings.

1182 (b) Two or more contributions from the same source that have an aggregate total of

1183 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1184 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported

1185 as of five days before the required filing date of the report.

1186 (b) Any negotiable instrument or check received by a school board office candidate

1187 more than five days before the required filing date of a report required by this section shall be

1188 [~~negotiated and~~] included in the interim report.

1189 Section 26. Section **20A-11-1305** is amended to read:

1190 **20A-11-1305. School board office candidate -- Failure to file statement --**

1191 **Penalties.**

1192 (1) (a) If a school board office candidate fails to file an interim report due before the

1193 regular primary election, on August 31, and before the regular general election, the chief

1194 election officer shall, after making a reasonable attempt to discover if the report was timely

1195 [~~mailed;~~] filed:

1196 (i) inform the county clerk and other appropriate election officials who:

1197 [(i)] (A) (I) shall, if practicable, remove the name of the candidate [~~by blacking out the~~  
1198 ~~candidate's name~~] from the ballots before the ballots are delivered to voters; or

1199 [(ii)] (II) shall, if removing the candidate's name from the ballot is not practicable,

1200 inform the voters by any practicable method that the candidate has been disqualified and that

1201 votes cast for candidate will not be counted; and

1202 [(iii)] (B) may not count any votes for that candidate[-]; and

1203 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1204 (b) Any school board office candidate who fails to file timely a financial statement  
1205 required by this part is disqualified and the vacancy on the ballot may be filled as provided in  
1206 Section 20A-1-501.

1207 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is  
1208 not disqualified and the chief election officer may not impose a fine if:

1209 (i) the candidate timely files the reports required by this section in accordance with  
1210 Section 20A-11-103;

1211 (ii) those reports are completed, detailing accurately and completely the information  
1212 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1213 and

1214 (iii) those omissions, errors, or inaccuracies [are] described in Subsection (1)(b)(ii) are  
1215 corrected in:

1216 (A) an amended report; or [in]

1217 (B) the next scheduled report.

1218 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate  
1219 for state school board, the lieutenant governor shall review each filed summary report to ensure  
1220 that:

1221 (i) each state school board candidate that is required to file a summary report has filed  
1222 one; and

1223 (ii) each summary report contains the information required by this part.

1224 (b) If it appears that any state school board candidate has failed to file the summary  
1225 report required by law, if it appears that a filed summary report does not conform to the law, or  
1226 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1227 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1228 violation or receipt of a written complaint, notify the state school board candidate of the  
1229 violation or written complaint and direct the state school board candidate to file a summary  
1230 report correcting the problem.

1231 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a  
1232 summary report within 14 days after receiving notice from the lieutenant governor under this  
1233 section.

1234 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a

1235 class B misdemeanor.

1236 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1237 attorney general.

1238 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county  
1239 clerk shall review each filed summary report to ensure that:

1240 (i) each local school board candidate that is required to file a summary report has filed  
1241 one; and

1242 (ii) each summary report contains the information required by this part.

1243 (b) If it appears that any local school board candidate has failed to file the summary  
1244 report required by law, if it appears that a filed summary report does not conform to the law, or  
1245 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
1246 of any summary report, the county clerk shall, within five days of discovery of a violation or  
1247 receipt of a written complaint, notify the local school board candidate of the violation or  
1248 written complaint and direct the local school board candidate to file a summary report  
1249 correcting the problem.

1250 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a  
1251 summary report within 14 days after receiving notice from the county clerk under this section.

1252 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a  
1253 class B misdemeanor.

1254 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or  
1255 county attorney.

1256 Section 27. Section **20A-11-1501** is enacted to read:

1257 **Part 15. Labor Organizations**

1258 **20A-11-1501. Definitions.**

1259 As used in this part:

1260 (1) "Labor organization" means a lawful organization of any kind that is composed, in  
1261 whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing  
1262 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
1263 employment, or other terms and conditions of employment.

1264 (2) "Labor organization" includes an employee association and union for employees of  
1265 public and private sector employers.

1266 Section 28. Section **20A-11-1502** is enacted to read:

1267 **20A-11-1502. Campaign financial reporting of contributions -- Filing**  
1268 **requirements -- Statement contents.**

1269 (1) (a) Each labor organization that has made expenditures for political purposes or  
1270 political issues expenditures on current or proposed ballot issues that total at least \$750 during  
1271 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1272 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1273 (ii) seven days before the regular primary election date;

1274 (iii) on August 31; and

1275 (iv) seven days before the regular general election date.

1276 (b) The labor organization shall report:

1277 (i) a detailed listing of all expenditures made since the last statement; and

1278 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all  
1279 expenditures as of five days before the required filing date of the financial statement.

1280 (c) The labor organization need not file a financial statement under this section if the  
1281 labor organization:

1282 (i) made no expenditures during the reporting period; or

1283 (ii) reports its expenditures during the reporting period under another part of this  
1284 chapter.

1285 (2) The financial statement shall include:

1286 (a) the name and address of each reporting entity that received an expenditure or  
1287 political issues expenditure of more than \$50 from the labor organization, and the amount of  
1288 each expenditure or political issues expenditure;

1289 (b) the total amount of expenditures disbursed by the labor organization; and

1290 (c) a statement by the labor organization's treasurer or chief financial officer certifying  
1291 the accuracy of the financial statement.

1292 Section 29. Section **20A-11-1503** is enacted to read:

1293 **20A-11-1503. Criminal penalties -- Fines.**

1294 (1) Within 30 days after a deadline for the filing of any statement required by this part,  
1295 the lieutenant governor shall review each filed statement to ensure that:

1296 (a) each labor organization that is required to file a statement has filed one; and

1297 (b) each statement contains the information required by this part.

1298 (2) If it appears that any labor organization has failed to file any statement, if it appears  
1299 that a filed statement does not conform to the law, or if the lieutenant governor has received a  
1300 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant  
1301 governor shall:

1302 (a) impose a fine against the labor organization in accordance with Section  
1303 20A-11-1005; and

1304 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1305 the labor organization of the violation or written complaint and direct the labor organization to  
1306 file a statement correcting the problem.

1307 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement  
1308 within 14 days after receiving notice from the lieutenant governor under this section.

1309 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B  
1310 misdemeanor.

1311 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the  
1312 attorney general.

1313 Section 30. Section **20A-12-303** is amended to read:

1314 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1315 (1) The judge or the judge's personal campaign committee shall deposit each  
1316 contribution in one or more separate personal campaign accounts in a financial institution.

1317 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
1318 any contributions received into a personal or business account.

1319 (3) (a) As used in this Subsection (3), "received" means:

1320 (i) for a cash contribution, that the cash is given to a judge or the judge's personal  
1321 campaign committee;

1322 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1323 instrument or check is negotiated; and

1324 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1325 inures to the judge.

1326 (b) The judge or the judge's personal campaign committee shall report to the lieutenant  
1327 governor each contribution within 30 days after the contribution is received.

1328 Section 31. Section **20A-12-304** is amended to read:

1329 **20A-12-304. Judicial retention election candidates -- Financial reporting**  
1330 **requirements -- Year-end summary report.**

1331 (1) The judge's personal campaign committee shall file a summary report with the  
1332 lieutenant governor by January 10 of the year after the regular general election year.

1333 (2) (a) Each summary report shall include the following information as of December 31  
1334 of the last regular general election year:

1335 (i) a single figure equal to the total amount of contributions reported on the interim  
1336 report;

1337 (ii) a single figure equal to the total amount of expenditures reported on the interim  
1338 report;

1339 (iii) a detailed listing of each contribution received since the last summary report that  
1340 has not been reported in detail on the interim report;

1341 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1342 (v) a detailed listing of each expenditure made since the last summary report that has  
1343 not been reported in detail on the interim report;

1344 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1345 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1346 (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported  
1347 without a separate detailed listing.

1348 (ii) Two or more contributions from the same source for a total of more than \$50 may  
1349 not be reported in the aggregate, but shall be reported in the detailed listing.

1350 (c) A check or negotiable instrument received by a judge or the judge's personal  
1351 campaign committee on or before December 31 of the previous year shall be reported in the  
1352 summary report.

1353 (3) [~~The summary report shall contain a statement signed by the~~] The judge [certifying]  
1354 shall certify in the summary report that, to the best of the judge's knowledge, all contributions  
1355 and all expenditures have been reported as of December 31 of the last regular general election  
1356 year and that there are no financial obligations outstanding except as set forth in the report.

1357 Section 32. Section **20A-12-305** is amended to read:

1358 **20A-12-305. Judicial retention election candidates -- Financial reporting**

1359 **requirements -- Interim report.**

1360 (1) The judge's personal campaign committee shall file an interim report with the  
 1361 lieutenant governor [~~no later than 5 p.m.~~] before the close of normal office hours on the date  
 1362 seven days before the regular general election date.

1363 (2) Each interim report shall include the following information:

1364 (a) a detailed listing of each contribution received since the last [~~summary report~~]  
 1365 financial statement;

1366 (b) for each nonmonetary contribution, the fair market value of the contribution;

1367 (c) a detailed listing of each expenditure made since the last summary report;

1368 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1369 (e) a net balance for the year consisting of all contributions since the last summary  
 1370 report minus all expenditures since the last summary report.

1371 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
 1372 reported without separate detailed listings.

1373 (b) Two or more contributions from the same source that have an aggregate total of  
 1374 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1375 (4) In preparing each interim report, all contributions and expenditures shall be  
 1376 reported as of five days before the required filing date of the report.

1377 (5) A negotiable instrument or check received by a judge or the judge's personal  
 1378 campaign committee more than five days before the required filing date of a report required by  
 1379 this section shall be included in the interim report.

1380 Section 33. Section **20A-12-306** is amended to read:

1381 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1382 (1) (a) If a judge's personal campaign committee fails to file the interim report due  
 1383 before the regular general election, the lieutenant governor shall, after making a reasonable  
 1384 attempt to discover if the report was timely [~~mailed,~~] filed:

1385 (i) inform the county clerk and other appropriate election officials who:

1386 [(i)] (A) (I) shall, if practicable, remove the name of the judge [~~by blacking out the~~  
 1387 ~~judge's name~~] from the ballots before the ballots are delivered to voters; or

1388 [(ii)] (II) shall, if removing the judge's name from the ballot is not practicable, inform  
 1389 the voters by any practicable method that the judge has been disqualified and that votes cast for

1390 the judge will not be counted; and

1391 ~~[(iii)]~~ (B) may not count any votes for that judge[-]; and

1392 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1393 (b) Any judge who fails to file timely a financial statement required by this part is  
1394 disqualified.

1395 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the  
1396 lieutenant governor may not impose a fine if:

1397 (i) the candidate timely files the reports required by this section in accordance with  
1398 Section 20A-11-103;

1399 (ii) ~~[those]~~ the reports are completed, detailing accurately and completely the  
1400 information required by this part except for inadvertent omissions or insignificant errors or  
1401 inaccuracies; and

1402 (iii) ~~[those]~~ the omissions, errors, or inaccuracies ~~[are]~~ described in Subsection  
1403 (1)(b)(ii) are corrected in an amended report or in the next scheduled report.

1404 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant  
1405 governor shall review each filed summary report to ensure that:

1406 (i) each judge that is required to file a summary report has filed one; and

1407 (ii) each summary report contains the information required by this part.

1408 (b) If it appears that any judge has failed to file the summary report required by law, if  
1409 it appears that a filed summary report does not conform to the law, or if the lieutenant governor  
1410 has received a written complaint alleging a violation of the law or the falsity of any summary  
1411 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a  
1412 written complaint, notify the judge of the violation or written complaint and direct the judge to  
1413 file a summary report correcting the problem.

1414 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14  
1415 days after receiving notice from the lieutenant governor under this section.

1416 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1417 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1418 attorney general.

1419 Section 34. **Effective date.**

1420 This bill takes effect on January 1, 2011.

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**H.B. 329 7th Sub. (Lime) - Campaign Finance Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

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

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

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**Individual, Business and/or Local Impact**

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