

**Representative Kraig Powell** proposes the following substitute bill:

**CAMPAIGN FINANCE DISCLOSURE AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

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

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**LONG TITLE**

**General Description:**

This bill amends campaign finance provisions related to contributions and expenditures.

**Highlighted Provisions:**

This bill:

- ▶ amends the scope of an electioneering communication reporting requirement;
- ▶ prohibits an anonymous cash contribution over \$50;
- ▶ requires a candidate for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, state legislator, or State Board of Education member to submit an anonymous cash contribution over \$50 to the lieutenant governor for deposit into the General Fund;
- ▶ requires an officeholder to submit an anonymous cash contribution or cash public service assistance over \$50 to the lieutenant governor for deposit into the General Fund;
- ▶ requires a candidate for municipal office to submit an anonymous cash contribution over the reporting limit to the municipal clerk or recorder for deposit into the municipality's general fund;
- ▶ requires a candidate for county office to submit an anonymous cash contribution over \$50 to the county clerk for deposit into the county's general fund;



26           ▶ requires a candidate for local school board to submit an anonymous cash  
27 contribution over \$50 to the school district's business administrator for deposit into  
28 the school district's general fund;

29           ▶ requires a governmental entity to report an anonymous contribution that is deposited  
30 in a general fund; and

31           ▶ makes technical changes.

32 **Money Appropriated in this Bill:**

33           None

34 **Other Special Clauses:**

35           None

36 **Utah Code Sections Affected:**

37 **AMENDS:**

38           **10-3-208**, as last amended by Laws of Utah 2008, Chapters 49 and 382

39           **17-16-6.5**, as last amended by Laws of Utah 2008, Chapter 49

40           **20A-11-201**, as last amended by Laws of Utah 2010, Chapter 246

41           **20A-11-301**, as last amended by Laws of Utah 2011, Chapter 347

42           **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

43           **20A-11-901**, as last amended by Laws of Utah 2011, Chapter 396

44           **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389

45           **20A-11-1301**, as last amended by Laws of Utah 2011, Chapter 347



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

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

49           **10-3-208. Campaign finance statement in municipal election.**

50           (1) As used in this section:

51           (a) "Reporting date" means:

52           (i) 10 days before a municipal general election, for a campaign finance statement

53 required to be filed no later than seven days before a municipal general election; and

54           (ii) the day of filing, for a campaign finance statement required to be filed no later than

55 30 days after a municipal primary or general election.

56           (b) "Reporting limit" means:

- 57 (i) \$50; or
- 58 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.
- 59 (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal
- 60 primary election shall file with the municipal clerk or recorder a campaign finance statement:
- 61 (A) no later than seven days before the date of the municipal general election; and
- 62 (B) no later than 30 days after the date of the municipal general election.
- 63 (ii) Each candidate for municipal office who is eliminated at a municipal primary
- 64 election shall file with the municipal clerk or recorder a campaign finance statement no later
- 65 than 30 days after the date of the municipal primary election.
- 66 (b) Each campaign finance statement under Subsection (2)(a) shall:
- 67 (i) except as provided in Subsection (2)(b)(ii):
- 68 (A) report all of the candidate's itemized and total:
- 69 (I) campaign contributions, including in-kind and other nonmonetary contributions,
- 70 received before the close of the reporting date; and
- 71 (II) campaign expenditures made through the close of the reporting date; and
- 72 (B) identify:
- 73 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
- 74 and the name of the donor;
- 75 (II) the aggregate total of all contributions that individually do not exceed the reporting
- 76 limit; and
- 77 (III) for each campaign expenditure, the amount of the expenditure and the name of the
- 78 recipient of the expenditure; or
- 79 (ii) report the total amount of all campaign contributions and expenditures if the
- 80 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
- 81 candidate's campaign.
- 82 (c) (i) A person who makes a cash contribution that exceeds the reporting limit shall
- 83 disclose the person's name to the candidate who receives the contribution.
- 84 (ii) If a candidate receives an anonymous cash contribution that exceeds the reporting
- 85 limit, the candidate:
- 86 (A) is not required to report the contribution in a campaign finance statement; and
- 87 (B) within five business days after receiving the contribution, shall submit the

88 contribution to the municipal clerk or recorder for deposit into the municipality's general fund  
89 with the candidate's name and the date on which the candidate received the contribution.

90 (iii) Within five business days after depositing a contribution described in Subsection  
91 (2)(c)(ii), the municipal clerk or recorder shall report on the municipality's website or the  
92 website established by the lieutenant governor under Section 20A-11-103:

93 (A) the amount of the contribution;

94 (B) the date on which the candidate received the contribution; and

95 (C) the name of the candidate who received the contribution.

96 (3) (a) A municipality may, by ordinance:

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

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

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

102 (b) A candidate for municipal office is subject to the provisions of this section and not  
103 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

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

106 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the  
107 ordinance as required in Subsection (4).

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

111 (a) the provisions of statute or municipal ordinance governing the disclosure of  
112 campaign contributions and expenditures;

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

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

118 (5) Notwithstanding any provision of Title 63G, Chapter 2, Government Records

119 Access and Management Act, the municipal clerk or recorder shall:

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

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

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

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

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

131 (6) (a) If a candidate fails to file a campaign finance statement before the municipal  
132 general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or  
133 recorder shall inform the appropriate election official who:

134 (i) shall:

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

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

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

141 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance  
142 statement seven days before a municipal general election is not disqualified if:

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

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

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

149 (8) (a) A private party in interest may bring a civil action in district court to enforce the

150 provisions of this section or an ordinance adopted under this section.

151 (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's  
152 fees to the prevailing party.

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

154 **17-16-6.5. Campaign financial disclosure in county elections.**

155 (1) (a) [~~By January 1, 1996, each~~] Each county shall adopt an ordinance establishing  
156 campaign finance disclosure requirements for candidates for county office.

157 (b) The ordinance shall include:

158 (i) a requirement that each candidate for county office report [~~his~~] the candidate's  
159 itemized and total campaign contributions and expenditures at least once within the two weeks  
160 before the election and at least once within two months after the election;

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

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

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

167 (B) for each expenditure, the name of the recipient and the amount of the expenditure.

168 (c) The ordinance shall require:

169 (i) a person who makes a cash contribution that exceeds \$50 to disclose the person's  
170 name to the candidate who receives the contribution;

171 (ii) a candidate who receives an anonymous cash contribution that exceeds \$50 to,  
172 within five business days after receiving the contribution, submit the contribution to the county  
173 clerk for deposit into the county's general fund with the candidate's name and the date on which  
174 the candidate received the contribution; and

175 (iii) a county clerk who deposits a contribution described in Subsection (1)(c)(ii) to,  
176 within five days after depositing the contribution, report on the county's website or the website  
177 established by the lieutenant governor under Section 20A-11-103:

178 (A) the amount of the contribution;

179 (B) the date on which the candidate received the contribution; and

180 (C) the name of the candidate who received the contribution.

181 (2) ~~[(a) Except as provided in Subsection (2)(b), if]~~ If any county fails to adopt a  
182 campaign finance disclosure ordinance ~~[by January 1, 1996]~~ described in Subsection (1),  
183 candidates for county office shall comply with the financial reporting requirements contained  
184 in Subsections (3) through (6).

185 ~~[(b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting~~  
186 ~~the requirements of Subsection (1), that county need not comply with the requirements of~~  
187 ~~Subsections (3) through (6).]~~

188 (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance  
189 meeting the requirements of this section, each candidate for elective office in any county who  
190 is not required to submit a campaign financial statement to the lieutenant governor shall file a  
191 signed campaign financial statement with the county clerk:

192 (i) seven days before the date of the regular general election, reporting each  
193 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular  
194 general election; and

195 (ii) no later than 30 days after the date of the regular general election.

196 (b) Candidates for community council offices are exempt from the requirements of this  
197 section.

198 (4) (a) The statement filed seven days before the regular general election shall include:

199 (i) a list of each contribution of more than \$50 received by the candidate if the name of  
200 the donor is known, and the name of the donor;

201 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

202 (iii) a list of each expenditure for political purposes made during the campaign period,  
203 and the recipient of each expenditure.

204 (b) The statement filed 30 days after the regular general election shall include:

205 (i) a list of each contribution of more than \$50 received after the cutoff date for the  
206 statement filed seven days before the election, and the name of the donor;

207 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after  
208 the cutoff date for the statement filed seven days before the election; and

209 (iii) a list of all expenditures for political purposes made by the candidate after the  
210 cutoff date for the statement filed seven days before the election, and the recipient of each  
211 expenditure.

212 (5) Candidates for elective office in any county who are eliminated at a primary  
213 election shall file a signed campaign financial statement containing the information required by  
214 this section not later than 30 days after the primary election.

215 (6) (a) A person who makes a cash contribution that exceeds \$50 shall disclose the  
216 person's name to the candidate who receives the contribution.

217 (b) If a candidate receives an anonymous cash contribution that exceeds \$50, within  
218 five business days after receiving the contribution, the candidate shall submit the contribution  
219 to the county clerk for deposit into the county's general fund with the candidate's name and the  
220 date on which the candidate received the contribution.

221 (c) Within five business days after depositing a contribution described in Subsection  
222 (6)(b), the county clerk shall report on the county's website or the website established by the  
223 lieutenant governor under Section 20A-11-103:

224 (i) the amount of the contribution;

225 (ii) the date on which the candidate received the contribution; and

226 (iii) the name of the candidate who received the contribution.

227 [~~6~~] (7) Any person who fails to comply with this section is guilty of an infraction.

228 [~~7~~] (8) Counties may, by ordinance, enact requirements that:

229 (a) require greater disclosure of campaign contributions and expenditures; and

230 (b) impose additional penalties.

231 [~~8~~] (9) (a) If a candidate fails to file an interim report due before the election, the  
232 county clerk shall, after making a reasonable attempt to discover if the report was timely  
233 mailed, inform the appropriate election officials who:

234 (i) shall, if practicable, remove the name of the candidate by blacking out the  
235 candidate's name before the ballots are delivered to voters; or

236 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform  
237 the voters by any practicable method that the candidate has been disqualified and that votes  
238 cast for the candidate will not be counted; and

239 (iii) may not count any votes for that candidate.

240 (b) Notwithstanding Subsection [~~8~~] (9)(a), a candidate is not disqualified if:

241 (i) the candidate files the reports required by this section;

242 (ii) those reports are completed, detailing accurately and completely the information

243 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;  
244 and

245 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
246 the next scheduled report.

247 (c) A report is considered filed if:

248 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is  
249 due;

250 (ii) it is received in the county clerk's office with a [~~U.S.~~] United States Postal Service  
251 postmark three days or more before the date that the report was due; or

252 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
253 addressing, three days before the report was due.

254 [~~(9)~~] (10) (a) Any private party in interest may bring a civil action in district court to  
255 enforce the provisions of this section or any ordinance adopted under this section.

256 (b) In a civil action filed under Subsection [~~(9)~~] (10)(a), the court shall award costs and  
257 attorney's fees to the prevailing party.

258 [~~(10)~~] (11) Notwithstanding any provision of Title 63G, Chapter 2, Government  
259 Records Access and Management Act, the county clerk shall:

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

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

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

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

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

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

272 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

273 (1) (a) [~~Each~~] Except as provided by Subsection (1)(b), each state office candidate or

274 the candidate's personal campaign committee shall deposit each contribution and public service  
275 assistance received in one or more separate campaign accounts in a financial institution.

276 (b) If a state office candidate receives an anonymous cash contribution that exceeds  
277 \$50, the state office candidate:

278 (i) shall, within 30 days after receiving the contribution, submit the contribution to the  
279 lieutenant governor for deposit into the General Fund with the candidate's name and the date on  
280 which the candidate received the contribution; and

281 (ii) is not required to report the contribution on a financial statement.

282 (c) Within five business days after depositing a contribution described in Subsection  
283 (1)(b)(i), the lieutenant governor shall report on the website established under Section  
284 20A-11-103:

285 (i) the amount of the contribution;

286 (ii) the date on which the candidate received the contribution; and

287 (iii) the name of the candidate who received the contribution.

288 ~~(b)~~ (d) A state office candidate or a candidate's personal campaign committee may  
289 not use money deposited in a campaign account for:

290 (i) a personal use expenditure; or

291 (ii) an expenditure prohibited by law.

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

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

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

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

305 account for federal office.

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

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

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

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

313 (b) Each state office candidate shall report each contribution and public service  
314 assistance to the lieutenant governor within 30 days after the contribution or public service  
315 assistance is received.

316 Section 4. Section **20A-11-301** is amended to read:

317 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**  
318 **Candidate as a political action committee officer.**

319 (1) (a) (i) [Each] Except as provided by Subsection (1)(b), each legislative office  
320 candidate shall deposit each contribution and public service assistance received in one or more  
321 separate accounts in a financial institution that are dedicated only to that purpose.

322 (ii) A legislative office candidate may:

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

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

327 (b) If a legislative office candidate receives an anonymous cash contribution that  
328 exceeds \$50, the legislative office candidate:

329 (i) shall, within five business days after receiving the contribution, submit the  
330 contribution to the lieutenant governor for deposit into the General Fund with the candidate's  
331 name and the date on which the candidate received the contribution; and

332 (ii) is not required to report the contribution on a financial statement.

333 (c) Within five business days after depositing a contribution described in Subsection  
334 (1)(b)(i), the lieutenant governor shall report on the website established under Section  
335 20A-11-103:

336           (i) the amount of the contribution;  
337           (ii) the date on which the candidate received the contribution; and  
338           (iii) the name of the candidate who received the contribution.  
339           ~~(b)~~ (d) A legislative office candidate or the candidate's personal campaign committee  
340 may not use money deposited in an account described in Subsection (1)(a)(i) for:  
341           (i) a personal use expenditure; or  
342           (ii) an expenditure prohibited by law.  
343           (2) A legislative office candidate may not deposit or mingle any contributions or public  
344 service assistance received into a personal or business account.  
345           (3) If a person who is no longer a legislative candidate chooses not to expend the  
346 money remaining in a campaign account, the person shall continue to file the year-end  
347 summary report required by Section 20A-11-302 until the statement of dissolution and final  
348 summary report required by Section 20A-11-304 are filed with the lieutenant governor.  
349           (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who  
350 is no longer a legislative office candidate may not expend or transfer the money in a campaign  
351 account in a manner that would cause the former legislative office candidate to recognize the  
352 money as taxable income under federal tax law.  
353           (b) A person who is no longer a legislative office candidate may transfer the money in  
354 a campaign account in a manner that would cause the former legislative office candidate to  
355 recognize the money as taxable income under federal tax law if the transfer is made to a  
356 campaign account for federal office.  
357           (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:  
358           (i) for a cash contribution, that the cash is given to a legislative office candidate or a  
359 member of the candidate's personal campaign committee;  
360           (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
361 instrument or check is negotiated; and  
362           (iii) for any other type of contribution, that any portion of the contribution's benefit  
363 inures to the legislative office candidate.  
364           (b) Each legislative office candidate shall report each contribution and public service  
365 assistance to the lieutenant governor within 30 days after the contribution or public service  
366 assistance is received.

367 Section 5. Section **20A-11-401** is amended to read:

368 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**  
369 **report -- Officeholder as a political action committee officer -- Deposit of anonymous**  
370 **contribution.**

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

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

376 (i) this section; and

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

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

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

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

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

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

388 (v) for each nonmonetary contribution:

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

391 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

408 (4) An officeholder may:

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

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

413 (5) (a) If an officeholder receives an anonymous cash contribution or cash public  
414 service assistance that exceeds \$50, the officeholder:

415 (i) except as provided by Subsection (5)(c), shall, within five business days after  
416 receiving the contribution or public service assistance, submit the contribution or public service  
417 assistance to the lieutenant governor for deposit into the General Fund with the officeholder's  
418 name and the date on which the officeholder received the contribution or public service  
419 assistance; and

420 (ii) is not required to report the contribution or public service assistance on a financial  
421 statement.

422 (b) Within five business days after depositing a contribution or public service  
423 assistance described in Subsection (5)(a), the lieutenant governor shall report on the website  
424 established under Section 20A-11-103:

425 (i) the amount of the contribution or public service assistance;

426 (ii) the date on which the officeholder received the contribution or public service  
427 assistance; and

428 (iii) the name of the officeholder who received the contribution or public service

429 assistance.

430 (c) (i) A local school board member shall:

431 (A) submit an anonymous cash contribution or cash public service assistance that  
432 exceeds \$50 to the school district's business administrator for deposit into the school district's  
433 general fund within five business days of receipt; and

434 (B) disclose to the county clerk the amount of the contribution or public service  
435 assistance and the date on which the local school board member received the contribution or  
436 public service assistance.

437 (ii) Within five business days after receiving the disclosure described in Subsection  
438 (5)(c)(i), the county clerk shall report on the county's website or the website established by the  
439 lieutenant governor under Section 20A-11-103:

440 (A) the amount of the contribution or public service assistance;

441 (B) the date on which the local school board member received the contribution or  
442 public service assistance; and

443 (C) the name of the local school board member who received the contribution or public  
444 service assistance.

445 Section 6. Section **20A-11-901** is amended to read:

446 **20A-11-901. Political advertisements -- Requirement that ads designate**  
447 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**  
448 **endorsements.**

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

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

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

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

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

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

465 (ii) bumper stickers;

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

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

468 (2) (a) A person who is not a reporting entity and pays for an electioneering  
469 communication shall file a report with the lieutenant governor within 24 hours of making the  
470 payment or entering into a contract to make the payment.

471 (b) The report shall include:

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

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

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

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

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

479 (3) A person may not, in order to promote the success of any candidate for nomination  
480 or election to any public office, or in connection with any question submitted to the voters,  
481 include or cause to be included the name of any person as endorser or supporter in any political  
482 advertisement, circular, poster, or publication without the express consent of that person.

483 (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any  
484 newspaper or other periodical to induce him to advocate or oppose editorially any candidate for  
485 nomination or election.

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

488 Section 7. Section **20A-11-904** is amended to read:

489 **20A-11-904. Contribution given in another's name prohibited -- Anonymous**  
490 **contribution prohibited.**

491 A person may not:

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

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

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

495 (4) make a contribution that exceeds \$50 without disclosing the person's name.

496 Section 8. Section **20A-11-1301** is amended to read:

497 **20A-11-1301. School board office candidate -- Campaign finance requirements --**  
498 **Candidate as a political action committee officer.**

499 (1) (a) (i) ~~[Each]~~ Except as provided by Subsection (1)(b), each school board office  
500 candidate shall deposit each contribution and public service assistance received in one or more  
501 separate accounts in a financial institution that are dedicated only to that purpose.

502 (ii) A school board office candidate may:

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

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

507 (b) (i) If a candidate for the State Board of Education receives an anonymous cash  
508 contribution that exceeds \$50, the candidate:

509 (A) shall, within five business days after receiving the contribution, submit the  
510 contribution to the lieutenant governor for deposit into the General Fund with the candidate's  
511 name and the date on which the candidate received the contribution; and

512 (B) is not required to report the contribution on a financial statement.

513 (ii) Within five business days after depositing a contribution described in Subsection  
514 (1)(b)(i), the lieutenant governor shall report on the website established under Section  
515 20A-11-103:

516 (A) the amount of the contribution;

517 (B) the date on which the candidate received the contribution; and

518 (C) the name of the candidate who received the contribution.

519 (iii) If a candidate for local school board receives an anonymous cash contribution that  
520 exceeds \$50, the candidate:

521 (A) shall, within five business days after receiving the contribution, submit the

522 contribution to the school district's business administrator for deposit into the school district's  
523 general fund;

524 (B) disclose to the county clerk the amount of the contribution and the date on which  
525 the candidate received the contribution; and

526 (C) is not required to report the contribution on a financial statement.

527 (iv) Within five business days of receiving the disclosure described in Subsection  
528 (1)(b)(iii)(B), the county clerk shall report on the county's website or the website established by  
529 the lieutenant governor under Section 20A-11-103:

530 (A) the amount of the contribution;

531 (B) the date on which the candidate received the contribution; and

532 (C) the name of the candidate who received the contribution.

533 ~~(b)~~ (c) A school board office candidate may not use money deposited in an account  
534 described in Subsection (1)(a)(i) for:

535 (i) a personal use expenditure; or

536 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

551 (b) A person who is no longer a school board candidate may transfer the money in a  
552 campaign account in a manner that would cause the former school board candidate to recognize

553 the money as taxable income under federal tax law if the transfer is made to a campaign  
554 account for federal office.

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

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

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

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

562 (b) Each school board office candidate shall report to the chief election officer each  
563 contribution and public service assistance within 30 days after the contribution or public  
564 service assistance is received.