

CAMPAIGN CONTRIBUTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill amends campaign finance provisions related to anonymous cash contributions and aggregate reporting of cash contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits an anonymous cash contribution over \$100;
- ▶ requires a candidate to disburse an anonymous cash contribution or public service

assistance over \$100 to:

- the state or political subdivision for deposit into its general fund; or
- an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;

▶ prohibits a filing entity, other than a candidate, from using an anonymous cash contribution for a political purpose or as a political issues expenditure;

▶ allows a filing entity to aggregate on a report contributions that do not exceed \$100;

▶ increases the amount at which certain filing entities must report the recipient of an expenditure; and

- ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

35 **17-16-6.5**, as last amended by Laws of Utah 2012, Chapter 230

36 **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230

37 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230

38 **20A-11-203**, as last amended by Laws of Utah 2011, Chapter 347

39 **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347

40 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230

41 **20A-11-302**, as last amended by Laws of Utah 2011, Chapter 347

42 **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347

43 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

44 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

45 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225

46 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389

47 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396

48 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396

49 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347

50 **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230

51 **20A-11-702**, as last amended by Laws of Utah 2010, Chapter 389

52 **20A-11-801**, as last amended by Laws of Utah 2008, Chapter 225

53 **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230

54 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389

55 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230

56 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

57 **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347

58 **20A-11-1502**, as enacted by Laws of Utah 2010, Chapter 389

- 59 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
- 60 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396
- 61 **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389
- 62 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396



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

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

66 **10-3-208. Campaign finance disclosure in municipal election.**

67 (1) As used in this section:

68 (a) "Reporting date" means:

69 (i) 10 days before a municipal general election, for a campaign finance statement
70 required to be filed no later than seven days before a municipal general election; and

71 (ii) the day of filing, for a campaign finance statement required to be filed no later than
72 30 days after a municipal primary or general election.

73 (b) "Reporting limit" means for each calendar year:

74 (i) [~~\$50~~] \$100; or

75 (ii) an amount lower than [~~\$50~~] \$100 that is specified in an ordinance of the
76 municipality.

77 (2) (a) (i) Each candidate for municipal office:

78 (A) shall deposit a campaign contribution in a separate campaign account in a financial
79 institution; and

80 (B) may not deposit or mingle any campaign contributions received into a personal or
81 business account.

82 (ii) Each candidate for municipal office who is not eliminated at a municipal primary
83 election shall file with the municipal clerk or recorder a campaign finance statement:

84 (A) no later than seven days before the date of the municipal general election; and

85 (B) no later than 30 days after the date of the municipal general election.

86 (iii) Each candidate for municipal office who is eliminated at a municipal primary
87 election shall file with the municipal clerk or recorder a campaign finance statement no later
88 than 30 days after the date of the municipal primary election.

89 (b) Each campaign finance statement under Subsection (2)(a) shall:

90 (i) except as provided in Subsection (2)(b)(ii):
91 (A) report all of the candidate's itemized and total:
92 (I) campaign contributions, including in-kind and other nonmonetary contributions,
93 received before the close of the reporting date; and
94 (II) campaign expenditures made through the close of the reporting date; and
95 (B) identify:
96 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
97 and the name of the donor, if known;
98 (II) the aggregate total of all contributions that individually do not exceed the reporting
99 limit; and
100 (III) for each campaign expenditure, the amount of the expenditure and the name of the
101 recipient of the expenditure; or
102 (ii) report the total amount of all campaign contributions and expenditures if the
103 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
104 candidate's campaign.
105 (c) A person who makes a cash contribution that exceeds the reporting limit shall
106 disclose the person's name to the candidate who receives the contribution.
107 (d) Within 30 days after receiving a cash contribution that exceeds the reporting limit
108 from a donor whose name is unknown, a candidate shall disburse the amount of the
109 contribution to:
110 (i) the treasurer of the state or a political subdivision for deposit into the state's or
111 political subdivision's General Fund; or
112 (ii) an organization that is exempt from federal income taxation under Section
113 501(c)(3), Internal Revenue Code.
114 (3) (a) As used in this Subsection (3), "account" means an account in a financial
115 institution:
116 (i) that is not described in Subsection (2)(a)(i)(A); and
117 (ii) into which or from which a person who, as a candidate for an office, other than a
118 municipal office for which the person files a declaration of candidacy or federal office, or as a
119 holder of an office, other than a municipal office for which the person files a declaration of
120 candidacy or federal office, deposits a contribution or makes an expenditure.

121 (b) A municipal office candidate shall include on any campaign finance statement filed
122 in accordance with this section:

123 (i) a contribution deposited in an account:

124 (A) since the last campaign finance statement was filed; or

125 (B) that has not been reported under a statute or ordinance that governs the account; or

126 (ii) an expenditure made from an account:

127 (A) since the last campaign finance statement was filed; or

128 (B) that has not been reported under a statute or ordinance that governs the account.

129 (4) (a) A municipality may, by ordinance:

130 (i) provide a reporting limit lower than [~~\$50~~] \$100;

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

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

135 (b) A candidate for municipal office is subject to the provisions of this section and not
136 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

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

139 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
140 ordinance as required in Subsection (5).

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

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

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

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

151 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records

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

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

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

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

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

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

164 (7) (a) If a candidate fails to file a campaign finance statement before the municipal
165 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or
166 recorder shall inform the appropriate election official who:

167 (i) shall:

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

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

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

174 (b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance
175 statement seven days before a municipal general election is not disqualified if:

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

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

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

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

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

184 (b) In a civil action under Subsection (9)(a), the court may award costs and attorney
185 fees to the prevailing party.

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

187 **17-16-6.5. Campaign financial disclosure in county elections.**

188 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
189 requirements for candidates for county office.

190 (b) The ordinance required by Subsection (1)(a) shall include:

191 (i) a requirement that each candidate for county office report the candidate's itemized
192 and total campaign contributions and expenditures at least once within the two weeks before
193 the election and at least once within two months after the election;

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

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

197 (A) for each contribution of more than [~~\$50~~] \$100, the name of the donor of the
198 contribution, if known, and the amount of the contribution; and

199 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

200 (iv) a requirement that a candidate for county office deposit a contribution in a separate
201 campaign account in a financial institution; [~~and~~]

202 (v) a prohibition against a candidate for county office depositing or mingling any
203 contributions received into a personal or business account[-];

204 (vi) a requirement that a person who makes a cash contribution that exceeds \$100
205 disclose the person's name to the candidate who receives the contribution; and

206 (vii) a requirement that a candidate for county office who receives a cash contribution
207 that exceeds \$100 from a donor whose name is unknown shall, within 30 days after receiving
208 the contribution, disburse the amount of the contribution to:

209 (A) the treasurer of the state or a political subdivision for deposit into the state's or
210 political subdivision's General Fund; or

211 (B) an organization that is exempt from federal income taxation under Section
212 501(c)(3), Internal Revenue Code.

213 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial

214 institution:

215 (A) that is not described in Subsection (1)(b)(iv); and

216 (B) into which or from which a person who, as a candidate for an office, other than a
217 county office for which the person files a declaration of candidacy or federal office, or as a
218 holder of an office, other than a county office for which the person files a declaration of
219 candidacy or federal office, deposits a contribution or makes an expenditure.

220 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
221 candidate for county office include on a financial report filed in accordance with the ordinance
222 a contribution deposited in or an expenditure made from an account:

223 (A) since the last financial report was filed; or

224 (B) that has not been reported under a statute or ordinance that governs the account.

225 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
226 Subsection (1), candidates for county office, other than community council office, shall comply
227 with the financial reporting requirements contained in Subsections (3) through [~~(7)~~] (8).

228 (3) A candidate for elective office in a county:

229 (a) shall deposit a contribution in a separate campaign account in a financial institution;
230 and

231 (b) may not deposit or mingle any contributions received into a personal or business
232 account.

233 (4) Each candidate for elective office in any county who is not required to submit a
234 campaign financial statement to the lieutenant governor shall file a signed campaign financial
235 statement with the county clerk:

236 (a) seven days before the date of the regular general election, reporting each
237 contribution of more than [~~\$50~~] \$100 and each expenditure as of 10 days before the date of the
238 regular general election; and

239 (b) no later than 30 days after the date of the regular general election.

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

241 (i) a list of each contribution of more than [~~\$50~~] \$100 received by the candidate, and
242 the name of the donor, if known;

243 (ii) an aggregate total of all contributions of [~~\$50~~] \$100 or less received by the
244 candidate; and

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

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

248 (i) a list of each contribution of more than [~~\$50~~] \$100 received after the cutoff date for
249 the statement filed seven days before the election, and the name of the donor;

250 (ii) an aggregate total of all contributions of [~~\$50~~] \$100 or less received by the
251 candidate after the cutoff date for the statement filed seven days before the election; and

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

255 (6) (a) As used in this Subsection (6), "account" means an account in a financial
256 institution:

257 (i) that is not described in Subsection (3)(a); and

258 (ii) into which or from which a person who, as a candidate for an office, other than a
259 county office for which the person filed a declaration of candidacy or federal office, or as a
260 holder of an office, other than a county office for which the person filed a declaration of
261 candidacy or federal office, deposits a contribution or makes an expenditure.

262 (b) A county office candidate shall include on any campaign financial statement filed
263 in accordance with Subsection (4) or (5):

264 (i) a contribution deposited in an account:

265 (A) since the last campaign finance statement was filed; or

266 (B) that has not been reported under a statute or ordinance that governs the account; or

267 (ii) an expenditure made from an account:

268 (A) since the last campaign finance statement was filed; or

269 (B) that has not been reported under a statute or ordinance that governs the account.

270 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from a donor
271 whose name is unknown, a county office candidate shall disburse the amount of the
272 contribution to:

273 (a) the treasurer of the state or a political subdivision for deposit into the state's or
274 political subdivision's general fund; or

275 (b) an organization that is exempt from federal income taxation under Section

276 501(c)(3), Internal Revenue Code.

277 [~~7~~] (8) Candidates for elective office in any county who are eliminated at a primary
278 election shall file a signed campaign financial statement containing the information required by
279 this section not later than 30 days after the primary election.

280 [~~8~~] (9) Any person who fails to comply with this section is guilty of an infraction.

281 [~~9~~] (10) Counties may, by ordinance, enact requirements that:

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

283 (b) impose additional penalties.

284 [~~10~~] (11) (a) If a candidate fails to file an interim report due before the election, the
285 county clerk shall, after making a reasonable attempt to discover if the report was timely
286 mailed, inform the appropriate election officials who:

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

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

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

293 (b) Notwithstanding Subsection [~~10~~] (11)(a), a candidate is not disqualified if:

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

295 (ii) those reports are completed, detailing accurately and completely the information
296 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
297 and

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

300 (c) A report is considered filed if:

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

303 (ii) it is received in the county clerk's office with a United States Postal Service
304 postmark three days or more before the date that the report was due; or

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

307 ~~[(11)]~~ (12) (a) Any private party in interest may bring a civil action in district court to
308 enforce the provisions of this section or any ordinance adopted under this section.

309 (b) In a civil action filed under Subsection ~~[(11)]~~ (12)(a), the court shall award costs
310 and ~~[attorney's]~~ attorney fees to the prevailing party.

311 ~~[(12)]~~ (13) Notwithstanding any provision of Title 63G, Chapter 2, Government
312 Records Access and Management Act, the county clerk shall:

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

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

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

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

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

324 Section 3. Section **20A-11-101** is amended to read:

325 **20A-11-101. Definitions.**

326 As used in this chapter:

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

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

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

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

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

337 (4) "Chief election officer" means:

338 (a) the lieutenant governor for state office candidates, legislative office candidates,
339 officeholders, political parties, political action committees, corporations, political issues
340 committees, state school board candidates, judges, and labor organizations, as defined in
341 Section 20A-11-1501; and

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

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

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

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

349 (iii) any transfer of funds from another reporting entity to the filing entity;

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

352 (v) remuneration from:

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

354 or

355 (B) any agency or subdivision of the state, including school districts; and

356 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
357 market value.

358 (b) "Contribution" does not include:

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

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

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

366 (6) "Coordinated with" means that goods or services provided for the benefit of a
367 candidate or political party are provided:

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

369 party does not object;

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

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

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

373 political party.

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

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

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

379 proposition.

380 (b) "Corporation" does not mean:

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

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

383 (8) "County political party" means, for each registered political party, all of the persons
384 within a single county who, under definitions established by the political party, are members of
385 the registered political party.

386 (9) "County political party officer" means a person whose name is required to be
387 submitted by a county political party to the lieutenant governor in accordance with Section
388 20A-8-402.

389 (10) "Detailed listing" means:

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

391 (i) the name and address of the individual or source making the contribution or public
392 service assistance, unless the name or address of the individual or source is unknown;

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

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

395 (b) for each expenditure:

396 (i) the amount of the expenditure;

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

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

399 (iv) the date the expenditure was made.

- 400 (11) "Election" means each:
- 401 (a) regular general election;
- 402 (b) regular primary election; and
- 403 (c) special election at which candidates are eliminated and selected.
- 404 (12) "Electioneering communication" means a communication that:
- 405 (a) has at least a value of \$10,000;
- 406 (b) clearly identifies a candidate or judge; and
- 407 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 408 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 409 identified candidate's or judge's election date.
- 410 (13) (a) "Expenditure" means:
- 411 (i) any disbursement from contributions, receipts, or from the separate bank account
- 412 required by this chapter;
- 413 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 414 or anything of value made for political purposes;
- 415 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 416 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 417 value for political purposes;
- 418 (iv) compensation paid by a filing entity for personal services rendered by a person
- 419 without charge to a reporting entity;
- 420 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 421 committee; or
- 422 (vi) goods or services provided by the filing entity to or for the benefit of another
- 423 reporting entity for political purposes at less than fair market value.
- 424 (b) "Expenditure" does not include:
- 425 (i) services provided without compensation by individuals volunteering a portion or all
- 426 of their time on behalf of a reporting entity;
- 427 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 428 business; or
- 429 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to
- 430 candidates for office or officeholders in states other than Utah.

431 (14) "Federal office" means the office of President of the United States, United States
432 Senator, or United States Representative.

433 (15) "Filing entity" means the reporting entity that is required to file a financial
434 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

435 (16) "Financial statement" includes any summary report, interim report, verified
436 financial statement, or other statement disclosing contributions, expenditures, receipts,
437 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
438 Retention Elections.

439 (17) "Governing board" means the individual or group of individuals that determine the
440 candidates and committees that will receive expenditures from a political action committee,
441 political party, or corporation.

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

444 (19) "Incorporation election" means the election authorized by Section 10-2-111.

445 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.

446 (21) "Individual" means a natural person.

447 (22) "Interim report" means a report identifying the contributions received and
448 expenditures made since the last report.

449 (23) "Legislative office" means the office of state senator, state representative, speaker
450 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
451 whip of any party caucus in either house of the Legislature.

452 (24) "Legislative office candidate" means a person who:

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

454 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
455 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
456 assistant whip of any party caucus in either house of the Legislature; or

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

460 (25) "Officeholder" means a person who holds a public office.

461 (26) "Party committee" means any committee organized by or authorized by the

462 governing board of a registered political party.

463 (27) "Person" means both natural and legal persons, including individuals, business
464 organizations, personal campaign committees, party committees, political action committees,
465 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

466 (28) "Personal campaign committee" means the committee appointed by a candidate to
467 act for the candidate as provided in this chapter.

468 (29) "Personal use expenditure" has the same meaning as provided under Section
469 20A-11-104.

470 (30) (a) "Political action committee" means an entity, or any group of individuals or
471 entities within or outside this state, a major purpose of which is to:

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

474 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
475 vote for or against any candidate or person seeking election to a municipal or county office.

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

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

480 (i) a party committee;

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

483 (iii) an individual;

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

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

488 (vi) a personal campaign committee.

489 (31) "Political convention" means a county or state political convention held by a
490 registered political party to select candidates.

491 (32) (a) "Political issues committee" means an entity, or any group of individuals or
492 entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

505 (iii) an individual;

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

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

510 (33) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

526 (34) (a) "Political issues expenditure" means any of the following:

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

529 (A) a ballot proposition; or

530 (B) an incorporation petition or incorporation election;

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

533 (A) a ballot proposition; or

534 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

546 (35) "Political purposes" means an act done with the intent or in a way to influence or
547 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
548 against any candidate or a person seeking a municipal or county office at any caucus, political
549 convention, or election.

550 (36) "Primary election" means any regular primary election held under the election
551 laws.

552 (37) "Public office" means the office of governor, lieutenant governor, state auditor,
553 state treasurer, attorney general, state or local school board member, state senator, state
554 representative, speaker of the House of Representatives, president of the Senate, and the leader,

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

556 (38) (a) "Public service assistance" means the following when given or provided to an
557 officeholder to defray the costs of functioning in a public office or aid the officeholder to
558 communicate with the officeholder's constituents:

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

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

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

564 (i) anything provided by the state;

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

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

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

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

573 (39) "Publicly identified class of individuals" means a group of 50 or more individuals
574 sharing a common occupation, interest, or association that contribute to a political action
575 committee or political issues committee and whose names can be obtained by contacting the
576 political action committee or political issues committee upon whose financial statement the
577 individuals are listed.

578 (40) "Receipts" means contributions and public service assistance.

579 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
580 Lobbyist Disclosure and Regulation Act.

581 (42) "Registered political action committee" means any political action committee that
582 is required by this chapter to file a statement of organization with the lieutenant governor's
583 office.

584 (43) "Registered political issues committee" means any political issues committee that
585 is required by this chapter to file a statement of organization with the lieutenant governor's

586 office.

587 (44) "Registered political party" means an organization of voters that:

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

591 (b) has complied with the petition and organizing procedures of Chapter 8, Political
592 Party Formation and Procedures.

593 (45) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

602 (46) "Reporting entity" means a candidate, a candidate's personal campaign committee,
603 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
604 action committee, a political issues committee, a corporation, or a labor organization, as
605 defined in Section 20A-11-1501.

606 (47) "School board office" means the office of state school board or local school board.

607 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or
608 intangible asset that comprises the contribution.

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

612 (49) "State office" means the offices of governor, lieutenant governor, attorney general,
613 state auditor, and state treasurer.

614 (50) "State office candidate" means a person who:

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

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

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

619 (51) "Summary report" means the year end report containing the summary of a
620 reporting entity's contributions and expenditures.

621 (52) "Supervisory board" means the individual or group of individuals that allocate
622 expenditures from a political issues committee.

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

624 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
625 **-- No personal use -- Report contributions within 30 days -- Report other accounts --**
626 **Anonymous contributions.**

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

630 (b) A state office candidate or a candidate's personal campaign committee may not use
631 money deposited in a campaign account for:

- 632 (i) a personal use expenditure; or
633 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

658 (6) (a) As used in this Subsection (6), "account" means an account in a financial
659 institution:

660 (i) that is not described in Subsection (1)(a); and

661 (ii) into which or from which a person who, as a candidate for an office, other than the
662 state office for which the person files a declaration of candidacy or federal office, or as a holder
663 of an office, other than a state office for which the person files a declaration of candidacy or
664 federal office, deposits a contribution or makes an expenditure.

665 (b) A state office candidate shall include on any financial statement filed in accordance
666 with this part:

667 (i) a contribution deposited in an account:

668 (A) since the last campaign finance statement was filed; or

669 (B) that has not been reported under a statute or ordinance that governs the account; or

670 (ii) an expenditure made from an account:

671 (A) since the last campaign finance statement was filed; or

672 (B) that has not been reported under a statute or ordinance that governs the account.

673 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from an
674 unknown source, a state office candidate shall disburse the amount of the contribution to:

675 (a) the treasurer of the state or a political subdivision for deposit into the state's or
676 political subdivision's General Fund; or

677 (b) an organization that is exempt from federal income taxation under Section
678 501(c)(3), Internal Revenue Code.

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

680 **20A-11-203. State office candidate -- Financial reporting requirements --**

681 **Year-end summary report.**

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

684 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
685 that has not filed the statement of dissolution and final summary report required under Section
686 20A-11-205 shall continue to file a summary report on January 10 of each year.

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

689 (i) the net balance of the last financial statement, if any;

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

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

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

696 (v) for each nonmonetary contribution:

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

699 (B) a specific description of the contribution;

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

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

703 (viii) a net balance for the year consisting of the net balance from the last summary
704 report, if any, plus all receipts minus all expenditures; and

705 (ix) the name of a political action committee for which the state office candidate is
706 designated as an officer who has primary decision-making authority under Section
707 20A-11-601.

708 (b) (i) For all single contributions or public service assistance of [~~\$50~~] \$100 or less, a
709 single aggregate figure may be reported without separate detailed listings.

710 (ii) Two or more contributions from the same source that have an aggregate total of
711 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

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

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

717 (3) An authorized member of the state office candidate's personal campaign committee
718 or the state office candidate shall certify in the summary report that, to the best of the person's
719 knowledge, all receipts and all expenditures have been reported as of December 31 of the
720 previous year and that there are no bills or obligations outstanding and unpaid except as set
721 forth in that report.

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

723 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
724 **reports.**

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

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

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

729 (c) August 31; and

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

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

732 (a) the net balance of the last summary report, 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:

740 (i) the fair market value of the contribution with that information provided by the

- 741 contributor; and
- 742 (ii) a specific description of the contribution;
- 743 (f) a detailed listing of each expenditure made since the last summary report that has
744 not been reported in detail on a prior interim report;
- 745 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 746 (h) a net balance for the year consisting of the net balance from the last summary
747 report, if any, plus all receipts since the last summary report minus all expenditures since the
748 last summary report;
- 749 (i) a summary page in the form required by the lieutenant governor that identifies:
- 750 (i) beginning balance;
- 751 (ii) total contributions during the period since the last statement;
- 752 (iii) total contributions to date;
- 753 (iv) total expenditures during the period since the last statement; and
- 754 (v) total expenditures to date; and
- 755 (j) the name of a political action committee for which the state office candidate is
756 designated as an officer who has primary decision-making authority under Section
757 20A-11-601.
- 758 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
759 less, a single aggregate figure may be reported without separate detailed listings.
- 760 (b) Two or more contributions from the same source that have an aggregate total of
761 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 762 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
763 as of five days before the required filing date of the report.
- 764 (b) Any negotiable instrument or check received by a state office candidate more than
765 five days before the required filing date of a report required by this section shall be included in
766 the interim report.
- 767 Section 7. Section **20A-11-301** is amended to read:
- 768 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
769 **Candidate as a political action committee officer -- No personal use -- Report**
770 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**
- 771 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public

772 service assistance received in one or more separate accounts in a financial institution that are
773 dedicated only to that purpose.

774 (ii) A legislative office candidate may:

775 (A) receive a contribution or public service assistance from a political action

776 committee registered under Section 20A-11-601; and

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

779 (b) A legislative office candidate or the candidate's personal campaign committee may
780 not use money deposited in an account described in Subsection (1)(a)(i) for:

781 (i) a personal use expenditure; or

782 (ii) an expenditure prohibited by law.

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

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

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

793 (b) A person who is no longer a legislative office candidate may transfer the money in
794 a campaign account in a manner that would cause the former legislative office candidate to
795 recognize the money as taxable income under federal tax law if the transfer is made to a
796 campaign account for federal office.

797 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

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

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

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

803 inures to the legislative office candidate.

804 (b) Each legislative office candidate shall report each contribution and public service
805 assistance to the lieutenant governor within 30 days after the contribution or public service
806 assistance is received.

807 (6) Within 30 days after receiving a cash contribution that exceeds \$100 from an
808 unknown source, a legislative office candidate shall disburse the amount of the contribution to:

809 (a) the treasurer of the state or a political subdivision for deposit into the state's or
810 political subdivision's General Fund; or

811 (b) an organization that is exempt from federal income taxation under Section
812 501(c)(3), Internal Revenue Code.

813 [~~6~~] (7) (a) As used in this Subsection [~~6~~] (7), "account" means an account in a
814 financial institution:

815 (i) that is not described in Subsection (1)(a)(i); and

816 (ii) into which or from which a person who, as a candidate for an office, other than a
817 legislative office for which the person files a declaration of candidacy or federal office, or as a
818 holder of an office, other than a legislative office for which the person files a declaration of
819 candidacy or federal office, deposits a contribution or makes an expenditure.

820 (b) A legislative office candidate shall include on any financial statement filed in
821 accordance with this part:

822 (i) a contribution deposited in an account:

823 (A) since the last campaign finance statement was filed; or

824 (B) that has not been reported under a statute or ordinance that governs the account; or

825 (ii) an expenditure made from an account:

826 (A) since the last campaign finance statement was filed; or

827 (B) that has not been reported under a statute or ordinance that governs the account.

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

829 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
830 **Year-end summary report.**

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

833 (b) In addition to the requirements of Subsection (1)(a), a former legislative office

834 candidate that has not filed the statement of dissolution and final summary report required
835 under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.

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

838 (i) the net balance of the last financial statement, if any;

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

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

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

845 (v) for each nonmonetary contribution:

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

848 (B) a specific description of the contribution;

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

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

852 (viii) a net balance for the year consisting of the net balance from the last summary
853 report, if any, plus all receipts minus all expenditures; and

854 (ix) the name of a political action committee for which the legislative office candidate
855 is designated as an officer who has primary decision-making authority under Section
856 20A-11-601.

857 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
858 less, a single aggregate figure may be reported without separate detailed listings.

859 (ii) Two or more contributions from the same source that have an aggregate total of
860 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

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

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

865 (3) The legislative office candidate shall certify in the summary report that to the best
866 of the candidate's knowledge, all receipts and all expenditures have been reported as of
867 December 31 of the previous year and that there are no bills or obligations outstanding and
868 unpaid except as set forth in that report.

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

870 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
871 **Interim reports.**

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

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

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

876 (c) August 31; and

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

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

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

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

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

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

886 (e) for each nonmonetary contribution:

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

889 (ii) a specific description of the contribution;

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

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

893 (h) a net balance for the year consisting of the net balance from the last summary
894 report, if any, plus all receipts since the last summary report minus all expenditures since the
895 last summary report;

- 896 (i) a summary page in the form required by the lieutenant governor that identifies:
- 897 (i) beginning balance;
- 898 (ii) total contributions during the period since the last statement;
- 899 (iii) total contributions to date;
- 900 (iv) total expenditures during the period since the last statement; and
- 901 (v) total expenditures to date; and
- 902 (j) the name of a political action committee for which the legislative office candidate is
- 903 designated as an officer who has primary decision-making authority under Section
- 904 20A-11-601.

905 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or

906 less, a single aggregate figure may be reported without separate detailed listings.

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

908 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

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

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

911 (b) Any negotiable instrument or check received by a legislative office candidate more

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

913 included in the interim report.

914 Section 10. Section **20A-11-401** is amended to read:

915 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**

916 **report -- Officeholder as a political action committee officer -- Anonymous public service**

917 **assistance.**

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

919 (b) An officeholder that is required to file a summary report both as an officeholder and

920 as a candidate for office under the requirements of this chapter may file a single summary

921 report as a candidate and an officeholder, provided that the combined report meets the

922 requirements of:

- 923 (i) this section; and
- 924 (ii) the section that provides the requirements for the summary report filed by the
- 925 officeholder in the officeholder's capacity of a candidate for office.

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

- 927 of the previous year:
- 928 (i) the net balance of the last summary report, if any;
- 929 (ii) a single figure equal to the total amount of receipts received since the last summary
930 report, if any;
- 931 (iii) a single figure equal to the total amount of expenditures made since the last
932 summary report, if any;
- 933 (iv) a detailed listing of each contribution and public service assistance received since
934 the last summary report;
- 935 (v) for each nonmonetary contribution:
- 936 (A) the fair market value of the contribution with that information provided by the
937 contributor; and
- 938 (B) a specific description of the contribution;
- 939 (vi) a detailed listing of each expenditure made since the last summary report;
- 940 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 941 (viii) a net balance for the year consisting of the net balance from the last summary
942 report plus all receipts minus all expenditures; and
- 943 (ix) the name of a political action committee for which the officeholder is designated
944 as an officer who has primary decision-making authority under Section 20A-11-601.
- 945 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
946 less, a single aggregate figure may be reported without separate detailed listings.
- 947 (ii) Two or more contributions from the same source that have an aggregate total of
948 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 949 (c) In preparing the report, all receipts and expenditures shall be reported as of
950 December 31 of the previous year.
- 951 (3) The summary report shall contain a paragraph signed by the officeholder certifying
952 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
953 reported as of December 31 of the last calendar year and that there are no bills or obligations
954 outstanding and unpaid except as set forth in that report.
- 955 (4) An officeholder may:
- 956 (a) receive public service assistance from a political action committee registered under
957 Section 20A-11-601; and

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

960 (5) Within 30 days after receiving a cash contribution or cash public service assistance
961 that exceeds \$100 from an unknown source, an officeholder shall disburse the amount of the
962 contribution or public service assistance to:

963 (a) the treasurer of the state or a political subdivision for deposit into the state's or
964 political subdivision's General Fund; or

965 (b) an organization that is exempt from federal income taxation under Section
966 501(c)(3), Internal Revenue Code.

967 Section 11. Section **20A-11-505.7** is amended to read:

968 **20A-11-505.7. Separate account for contributions for registered political party --**
969 **-- Anonymous contributions to registered political party or county political party.**

970 (1) A registered political party shall deposit a contribution received in one or more
971 separate campaign accounts in a financial institution.

972 (2) A registered political party may not deposit or mingle a contribution received into a
973 personal or business account.

974 (3) A registered political party or county political party may not expend a cash
975 contribution for political purposes or a political issues expenditure if the cash contribution:

976 (a) exceeds \$100; and

977 (b) is from an unknown source.

978 Section 12. Section **20A-11-506** is amended to read:

979 **20A-11-506. Political party financial reporting requirements -- Year-end**
980 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

998 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
999 less, a single aggregate figure may be reported without separate detailed listings.

1000 (ii) Two or more contributions from the same source that have an aggregate total of
1001 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1002 (c) In preparing the report, all receipts and expenditures shall be reported as of
1003 December 31 of the previous year.

1004 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1005 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1006 expenditures have been reported as of December 31 of the previous year and that there are no
1007 bills or obligations outstanding and unpaid except as set forth in that report.

1008 Section 13. Section **20A-11-507** is amended to read:

1009 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

1010 (1) The party committee of each registered political party shall file an interim report at
1011 the following times in any year in which there is a regular general election:

1012 (a) seven days before the registered political party's political convention;

1013 (b) seven days before the regular primary election date;

1014 (c) August 31; and

1015 (d) seven days before the general election date.

1016 (2) Each interim report shall include the following information:

1017 (a) the net balance of the last financial statement, if any;

1018 (b) a single figure equal to the total amount of receipts reported on all prior interim
1019 reports, if any, during the calendar year in which the interim report is due;

- 1020 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1021 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1022 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
- 1023 the last summary report that has not been reported in detail on a prior interim report;
- 1024 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 1025 (f) a detailed listing of each expenditure made since the last summary report that has
- 1026 not been reported in detail on a prior interim report;
- 1027 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1028 (h) a net balance for the year consisting of the net balance from the last summary
- 1029 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1030 last summary report; and
- 1031 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1032 (i) beginning balance;
- 1033 (ii) total contributions during the period since the last statement;
- 1034 (iii) total contributions to date;
- 1035 (iv) total expenditures during the period since the last statement; and
- 1036 (v) total expenditures to date.
- 1037 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
- 1038 less, a single aggregate figure may be reported without separate detailed listings.
- 1039 (b) Two or more contributions from the same source that have an aggregate total of
- 1040 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1041 (4) In preparing each interim report, all receipts and expenditures shall be reported as
- 1042 of five days before the required filing date of the report.

Section 14. Section **20A-11-510** is amended to read:

20A-11-510. County political party financial reporting requirements -- Year-end summary report.

- 1046 (1) A county political party officer of a county political party that has received
- 1047 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100,
- 1048 during a calendar year shall file a summary report by January 10 of the following year.
- 1049 (2) (a) Each summary report shall include the following information as of December 31
- 1050 of the previous year:

- 1051 (i) the net balance of the last summary report, if any;
- 1052 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1053 if any, filed during the previous year;
- 1054 (iii) a single figure equal to the total amount of expenditures reported on all interim
1055 reports, if any, filed during the previous year;
- 1056 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
1057 the last summary report that has not been reported in detail on an interim report;
- 1058 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1059 (vi) a detailed listing of each expenditure made since the last summary report that has
1060 not been reported in detail on an interim report;
- 1061 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 1062 (viii) a net balance for the year consisting of the net balance from the last summary
1063 report, if any, plus all receipts minus all expenditures.
- 1064 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
1065 less, a single aggregate figure may be reported without separate detailed listings.
- 1066 (ii) Two or more contributions from the same source that have an aggregate total of
1067 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1068 (c) In preparing the report, all receipts and expenditures shall be reported as of
1069 December 31 of the previous year.
- 1070 (3) The county political party officer shall certify in the summary report that, to the
1071 best of the officer's knowledge, all receipts and all expenditures have been reported as of
1072 December 31 of the previous year and that there are no bills or obligations outstanding and
1073 unpaid except as set forth in that report.

1074 Section 15. Section **20A-11-511** is amended to read:

1075 **20A-11-511. County political party financial reporting requirements -- Interim**
1076 **reports.**

- 1077 (1) (a) A county political party officer of a county political party that has received
1078 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100,
1079 during a calendar year shall file an interim report at the following times in any year in which
1080 there is a regular general election:

- 1081 (i) seven days before the county political party's convention;

- 1082 (ii) seven days before the regular primary election date;
- 1083 (iii) August 31; and
- 1084 (iv) seven days before the general election date.
- 1085 (b) A county political party officer need not file an interim report if it received no
- 1086 contributions or made no expenditures during the reporting period.
- 1087 (2) Each interim report shall include the following information:
- 1088 (a) the net balance of the last financial statement, if any;
- 1089 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1090 reports, if any, during the calendar year in which the interim report is due;
- 1091 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1092 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1093 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
- 1094 the last summary report that has not been reported in detail on a prior interim report;
- 1095 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 1096 (f) a detailed listing of each expenditure made since the last summary report that has
- 1097 not been reported in detail on a prior interim report;
- 1098 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1099 (h) a net balance for the year consisting of the net balance from the last summary
- 1100 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1101 last summary report; and
- 1102 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1103 (i) beginning balance;
- 1104 (ii) total contributions during the period since the last statement;
- 1105 (iii) total contributions to date;
- 1106 (iv) total expenditures during the period since the last statement; and
- 1107 (v) total expenditures to date.
- 1108 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
- 1109 less, a single aggregate figure may be reported without separate detailed listings.
- 1110 (b) Two or more contributions from the same source that have an aggregate total of
- 1111 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1112 (4) In preparing each interim report, all receipts and expenditures shall be reported as

1113 of five days before the required filing date of the report.

1114 Section 16. Section **20A-11-601** is amended to read:

1115 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
1116 **providing false information or accepting unlawful contribution.**

1117 (1) (a) Each political action committee shall file a statement of organization with the
1118 lieutenant governor's office by January 10 of each year, unless the political action committee
1119 has filed a notice of dissolution under Subsection (4).

1120 (b) If a political action committee is organized after the January 10 filing date, the
1121 political action committee shall file an initial statement of organization no later than seven days
1122 after:

1123 (i) receiving contributions totaling at least \$750; or

1124 (ii) distributing expenditures for political purposes totaling at least [~~\$50~~] \$100.

1125 (2) (a) Each political action committee shall designate two officers who have primary
1126 decision-making authority for the political action committee.

1127 (b) A person may not exercise primary decision-making authority for a political action
1128 committee who is not designated under Subsection (2)(a).

1129 (3) The statement of organization shall include:

1130 (a) the name and address of the political action committee;

1131 (b) the name, street address, phone number, occupation, and title of the two primary
1132 officers designated under Subsection (2)(a);

1133 (c) the name, street address, occupation, and title of all other officers of the political
1134 action committee;

1135 (d) the name and street address of the organization, individual corporation, association,
1136 unit of government, or union that the political action committee represents, if any;

1137 (e) the name and street address of all affiliated or connected organizations and their
1138 relationships to the political action committee;

1139 (f) the name, street address, business address, occupation, and phone number of the
1140 committee's treasurer or chief financial officer; and

1141 (g) the name, street address, and occupation of each member of the governing and
1142 advisory boards, if any.

1143 (4) (a) Any registered political action committee that intends to permanently cease

1144 operations shall file a notice of dissolution with the lieutenant governor's office.

1145 (b) Any notice of dissolution filed by a political action committee does not exempt that
1146 political action committee from complying with the financial reporting requirements of this
1147 chapter.

1148 (5) (a) Unless the political action committee has filed a notice of dissolution under
1149 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
1150 notice of any change of an officer described in Subsection (2)(a).

1151 (b) Notice of a change of a primary officer described in Subsection (2)(a) shall:

1152 (i) be filed within 10 days of the date of the change; and

1153 (ii) contain the name and title of the officer being replaced, and the name, street
1154 address, occupation, and title of the new officer.

1155 (6) (a) A person is guilty of providing false information in relation to a political action
1156 committee if the person intentionally or knowingly gives false or misleading material
1157 information in the statement of organization or the notice of change of primary officer.

1158 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
1159 unlawful contribution if the political action committee knowingly or recklessly accepts a
1160 contribution from a corporation that:

1161 (i) was organized less than 90 days before the date of the general election; and

1162 (ii) at the time the political action committee accepts the contribution, has failed to file
1163 a statement of organization with the lieutenant governor's office as required by Section
1164 20A-11-704.

1165 (c) A violation of this Subsection (6) is a third degree felony.

1166 Section 17. Section **20A-11-602** is amended to read:

1167 **20A-11-602. Political action committees -- Financial reporting -- Anonymous**
1168 **contributions.**

1169 (1) (a) Each registered political action committee that has received contributions
1170 totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100, during a calendar
1171 year shall file a verified financial statement with the lieutenant governor's office:

1172 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1173 previous year;

1174 (ii) seven days before the regular primary election date;

- 1175 (iii) on August 31; and
1176 (iv) seven days before:
1177 (A) the municipal general election; and
1178 (B) the regular general election date.
- 1179 (b) The registered political action committee shall report:
1180 (i) a detailed listing of all contributions received and expenditures made since the last
1181 statement; and
1182 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1183 contributions and expenditures as of five days before the required filing date of the financial
1184 statement.
- 1185 (c) The registered political action committee need not file a statement under this
1186 section if it received no contributions and made no expenditures during the reporting period.
- 1187 (2) (a) The verified financial statement shall include:
1188 (i) the name and address of any individual that makes a contribution to the reporting
1189 political action committee, if known, and the amount of the contribution;
1190 (ii) the identification of any publicly identified class of individuals that makes a
1191 contribution to the reporting political action committee, and the amount of the contribution;
1192 (iii) the name and address of any political action committee, group, or entity, if known,
1193 that makes a contribution to the reporting political action committee, and the amount of the
1194 contribution;
- 1195 (iv) for each nonmonetary contribution, the fair market value of the contribution;
1196 (v) the name and address of each reporting entity that received an expenditure from the
1197 reporting political action committee, and the amount of each expenditure;
1198 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
1199 (vii) the total amount of contributions received and expenditures disbursed by the
1200 reporting political action committee;
- 1201 (viii) a statement by the political action committee's treasurer or chief financial officer
1202 certifying that, to the best of the person's knowledge, the financial report is accurate; and
1203 (ix) a summary page in the form required by the lieutenant governor that identifies:
1204 (A) beginning balance;
1205 (B) total contributions during the period since the last statement;

- 1206 (C) total contributions to date;
- 1207 (D) total expenditures during the period since the last statement; and
- 1208 (E) total expenditures to date.

1209 (b) (i) Contributions received by a political action committee that have a value of [~~\$50~~
 1210 \$100 or less need not be reported individually, but shall be listed on the report as an aggregate
 1211 total.

1212 (ii) Two or more contributions from the same source that have an aggregate total of
 1213 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1214 (3) A group or entity may not divide or separate into units, sections, or smaller groups
 1215 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
 1216 shall prevail over form in determining the scope or size of a political action committee.

1217 (4) (a) As used in this Subsection (4), "received" means:

- 1218 (i) for a cash contribution, that the cash is given to a political action committee;
- 1219 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1220 instrument or check is negotiated; and

1221 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1222 inures to the political action committee.

1223 (b) A political action committee shall report each contribution to the lieutenant
 1224 governor within 30 days after the contribution is received.

1225 (5) A political action committee may not expend a cash contribution for political
 1226 purposes if the cash contribution:

- 1227 (a) exceeds \$100; and
- 1228 (b) is from an unknown source.

1229 Section 18. Section **20A-11-702** is amended to read:

1230 **20A-11-702. Campaign financial reporting of political issues expenditures by**
 1231 **corporations -- Financial reporting.**

1232 (1) (a) Each corporation that has made political issues expenditures on current or
 1233 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
 1234 financial statement with the lieutenant governor's office:

- 1235 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 1236 (ii) seven days before the regular primary election date;

- 1237 (iii) on August 31; and
- 1238 (iv) seven days before the regular general election date.
- 1239 (b) The corporation shall report:
- 1240 (i) a detailed listing of all expenditures made since the last statement; and
- 1241 (ii) for financial statements under Subsections (1)(a)(ii) through (iv), expenditures as of
- 1242 five days before the required filing date of the financial statement.
- 1243 (c) The corporation need not file a statement under this section if it made no
- 1244 expenditures during the reporting period.
- 1245 (2) That statement shall include:
- 1246 (a) the name and address of each individual, entity, or group of individuals or entities
- 1247 that received a political issues expenditure of more than [~~\$50~~] \$100 from the corporation, and
- 1248 the amount of each political issues expenditure;
- 1249 (b) the total amount of political issues expenditures disbursed by the corporation; and
- 1250 (c) a statement by the corporation's treasurer or chief financial officer certifying the
- 1251 accuracy of the verified financial statement.
- 1252 Section 19. Section **20A-11-801** is amended to read:
- 1253 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
- 1254 **providing false information or accepting unlawful contribution.**
- 1255 (1) (a) Each political issues committee shall file a statement of organization with the
- 1256 lieutenant governor's office by January 10 of each year, unless the political issues committee
- 1257 has filed a notice of dissolution under Subsection (4).
- 1258 (b) If a political issues committee is organized after the January 10 filing date, the
- 1259 political issues committee shall file an initial statement of organization no later than seven days
- 1260 after:
- 1261 (i) receiving political issues contributions totaling at least \$750; or
- 1262 (ii) disbursing political issues expenditures totaling at least [~~\$50~~] \$100.
- 1263 (2) Each political issues committee shall designate two officers that have primary
- 1264 decision-making authority for the political issues committee.
- 1265 (3) The statement of organization shall include:
- 1266 (a) the name and street address of the political issues committee;
- 1267 (b) the name, street address, phone number, occupation, and title of the two primary

1268 officers designated under Subsection (2);

1269 (c) the name, street address, occupation, and title of all other officers of the political
1270 issues committee;

1271 (d) the name and street address of the organization, individual, corporation,
1272 association, unit of government, or union that the political issues committee represents, if any;

1273 (e) the name and street address of all affiliated or connected organizations and their
1274 relationships to the political issues committee;

1275 (f) the name, street address, business address, occupation, and phone number of the
1276 committee's treasurer or chief financial officer;

1277 (g) the name, street address, and occupation of each member of the supervisory and
1278 advisory boards, if any; and

1279 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1280 or oppose it.

1281 (4) (a) Any registered political issues committee that intends to permanently cease
1282 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1283 office.

1284 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1285 political issues committee from complying with the financial reporting requirements of this
1286 chapter.

1287 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1288 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1289 notice of any change of an officer described in Subsection (2).

1290 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1291 (i) be filed within 10 days of the date of the change; and

1292 (ii) contain the name and title of the officer being replaced and the name, street
1293 address, occupation, and title of the new officer.

1294 (6) (a) A person is guilty of providing false information in relation to a political issues
1295 committee if the person intentionally or knowingly gives false or misleading material
1296 information in the statement of organization or the notice of change of primary officer.

1297 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1298 contribution if the political issues committee knowingly or recklessly accepts a contribution

1299 from a corporation that:

1300 (i) was organized less than 90 days before the date of the general election; and

1301 (ii) at the time the political issues committee accepts the contribution, has failed to file
1302 a statement of organization with the lieutenant governor's office as required by Section
1303 20A-11-704.

1304 (c) A violation of this Subsection (6) is a third degree felony.

1305 Section 20. Section **20A-11-802** is amended to read:

1306 **20A-11-802. Political issues committees -- Financial reporting -- Anonymous**
1307 **contributions.**

1308 (1) (a) Each registered political issues committee that has received political issues
1309 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1310 [~~\$50~~] \$100, during a calendar year, shall file a verified financial statement with the lieutenant
1311 governor's office:

1312 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1313 previous year;

1314 (ii) seven days before the date of an incorporation election, if the political issues
1315 committee has received donations or made disbursements to affect an incorporation;

1316 (iii) at least three days before the first public hearing held as required by Section
1317 20A-7-204.1;

1318 (iv) if the political issues committee has received or expended funds in relation to an
1319 initiative or referendum, at the time the initiative or referendum sponsors submit:

1320 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1321 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1322 (v) on August 31; and

1323 (vi) seven days before:

1324 (A) the municipal general election; and

1325 (B) the regular general election.

1326 (b) The political issues committee shall report:

1327 (i) a detailed listing of all contributions received and expenditures made since the last
1328 statement; and

1329 (ii) all contributions and expenditures as of five days before the required filing date of

1330 the financial statement, except for a financial statement filed on January 10.

1331 (c) The political issues committee need not file a statement under this section if it
1332 received no contributions and made no expenditures during the reporting period.

1333 (2) (a) That statement shall include:

1334 (i) the name and address, if known, of any individual that makes a political issues
1335 contribution to the reporting political issues committee, and the amount of the political issues
1336 contribution;

1337 (ii) the identification of any publicly identified class of individuals that makes a
1338 political issues contribution to the reporting political issues committee, and the amount of the
1339 political issues contribution;

1340 (iii) the name and address, if known, of any political issues committee, group, or entity
1341 that makes a political issues contribution to the reporting political issues committee, and the
1342 amount of the political issues contribution;

1343 (iv) the name and address of each reporting entity that makes a political issues
1344 contribution to the reporting political issues committee, and the amount of the political issues
1345 contribution;

1346 (v) for each nonmonetary contribution, the fair market value of the contribution;

1347 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1348 entity, or group of individuals or entities that received a political issues expenditure of more
1349 than [~~\$50~~] \$100 from the reporting political issues committee, and the amount of each political
1350 issues expenditure;

1351 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1352 (viii) the total amount of political issues contributions received and political issues
1353 expenditures disbursed by the reporting political issues committee;

1354 (ix) a statement by the political issues committee's treasurer or chief financial officer
1355 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1356 (x) a summary page in the form required by the lieutenant governor that identifies:

1357 (A) beginning balance;

1358 (B) total contributions during the period since the last statement;

1359 (C) total contributions to date;

1360 (D) total expenditures during the period since the last statement; and

1361 (E) total expenditures to date.

1362 (b) (i) Political issues contributions received by a political issues committee that have a
1363 value of [~~\$50~~] \$100 or less need not be reported individually, but shall be listed on the report as
1364 an aggregate total.

1365 (ii) Two or more political issues contributions from the same source that have an
1366 aggregate total of more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be
1367 reported separately.

1368 (c) When reporting political issue expenditures made to circulators of initiative
1369 petitions, the political issues committee:

1370 (i) need only report the amount paid to each initiative petition circulator; and

1371 (ii) need not report the name or address of the circulator.

1372 (3) (a) As used in this Subsection (3), "received" means:

1373 (i) for a cash contribution, that the cash is given to a political issues committee;

1374 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1375 instrument or check is negotiated; and

1376 (iii) for any other type of contribution, that any portion of the contribution's benefit
1377 inures to the political issues committee.

1378 (b) A political issues committee shall report each contribution to the lieutenant
1379 governor within 30 days after the contribution is received.

1380 (4) A political issues committee may not expend a cash contribution for a political
1381 issues expenditure if the cash contribution:

1382 (a) exceeds \$100; and

1383 (b) is from an unknown source.

1384 Section 21. Section **20A-11-904** is amended to read:

1385 **20A-11-904. Contribution given in another's name and anonymous contributions**
1386 **prohibited.**

1387 A person may not:

1388 (1) make a contribution in the name of another;

1389 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]

1390 (3) knowingly accept a contribution made by one person in the name of another[~~;~~]; or

1391 (4) make a contribution that exceeds \$100 without disclosing the person's name.

1392 Section 22. Section **20A-11-1301** is amended to read:

1393 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
1394 **Candidate as a political action committee officer -- No personal use -- Report**
1395 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

1396 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1397 service assistance received in one or more separate accounts in a financial institution that are
1398 dedicated only to that purpose.

1399 (ii) A school board office candidate may:

1400 (A) receive a contribution or public service assistance from a political action
1401 committee registered under Section 20A-11-601; and

1402 (B) be designated by a political action committee as an officer who has primary
1403 decision-making authority as described in Section 20A-11-601.

1404 (b) A school board office candidate may not use money deposited in an account
1405 described in Subsection (1)(a)(i) for:

1406 (i) a personal use expenditure; or

1407 (ii) an expenditure prohibited by law.

1408 (2) A school board office candidate may not deposit or mingle any contributions or
1409 public service assistance received into a personal or business account.

1410 (3) A school board office candidate may not make any political expenditures prohibited
1411 by law.

1412 (4) If a person who is no longer a school board candidate chooses not to expend the
1413 money remaining in a campaign account, the person shall continue to file the year-end
1414 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1415 summary report required by Section 20A-11-1304 are filed with:

1416 (a) the lieutenant governor in the case of a state school board candidate; and

1417 (b) the county clerk, in the case of a local school board candidate.

1418 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1419 is no longer a school board candidate may not expend or transfer the money in a campaign
1420 account in a manner that would cause the former school board candidate to recognize the
1421 money as taxable income under federal tax law.

1422 (b) A person who is no longer a school board candidate may transfer the money in a

1423 campaign account in a manner that would cause the former school board candidate to recognize
1424 the money as taxable income under federal tax law if the transfer is made to a campaign
1425 account for federal office.

1426 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1427 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1428 member of the candidate's personal campaign committee;

1429 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1430 instrument or check is negotiated; and

1431 (iii) for any other type of contribution, that any portion of the contribution's benefit
1432 inures to the school board office candidate.

1433 (b) Each school board office candidate shall report to the chief election officer each
1434 contribution and public service assistance within 30 days after the contribution or public
1435 service assistance is received.

1436 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from an
1437 unknown source, a school board office candidate shall disburse the contribution to:

1438 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1439 political subdivision's General Fund; or

1440 (b) an organization that is exempt from federal income taxation under Section
1441 501(c)(3), Internal Revenue Code.

1442 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a
1443 financial institution:

1444 (i) that is not described in Subsection (1)(a)(i); and

1445 (ii) into which or from which a person who, as a candidate for an office, other than a
1446 school board office for which the person files a declaration of candidacy or federal office, or as
1447 a holder of an office, other than a school board office for which the person files a declaration of
1448 candidacy or federal office, deposits a contribution or makes an expenditure.

1449 (b) A school board office candidate shall include on any financial statement filed in
1450 accordance with this part:

1451 (i) a contribution deposited in an account:

1452 (A) since the last campaign finance statement was filed; or

1453 (B) that has not been reported under a statute or ordinance that governs the account; or

- 1454 (ii) an expenditure made from an account:
- 1455 (A) since the last campaign finance statement was filed; or
- 1456 (B) that has not been reported under a statute or ordinance that governs the account.

1457 Section 23. Section **20A-11-1302** is amended to read:

1458 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1459 **-- Year-end summary report.**

1460 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1461 the year after the regular general election year.

1462 (b) In addition to the requirements of Subsection (1)(a), a former school board office
1463 candidate that has not filed the statement of dissolution and final summary report required
1464 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1465 (2) (a) Each summary report shall include the following information as of December 31
1466 of the previous year:

- 1467 (i) the net balance of the last financial statement, if any;
- 1468 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1469 if any, during the previous year;
- 1470 (iii) a single figure equal to the total amount of expenditures reported on all interim
1471 reports, if any, filed during the previous year;
- 1472 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1473 the last summary report that has not been reported in detail on an interim report;
- 1474 (v) for each nonmonetary contribution:
 - 1475 (A) the fair market value of the contribution with that information provided by the
1476 contributor; and
 - 1477 (B) a specific description of the contribution;
- 1478 (vi) a detailed listing of each expenditure made since the last summary report that has
1479 not been reported in detail on an interim report;
- 1480 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1481 (viii) a net balance for the year consisting of the net balance from the last summary
1482 report, if any, plus all receipts minus all expenditures; and
- 1483 (ix) the name of a political action committee for which the school board office
1484 candidate is designated as an officer who has primary decision-making authority under Section

1485 20A-11-601.

1486 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
1487 less, a single aggregate figure may be reported without separate detailed listings.

1488 (ii) Two or more contributions from the same source that have an aggregate total of
1489 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1490 (c) In preparing the report, all receipts and expenditures shall be reported as of
1491 December 31 of the previous year.

1492 (d) A check or negotiable instrument received by a school board office candidate on or
1493 before December 31 of the previous year shall be included in the summary report.

1494 (3) The school board office candidate shall certify in the summary report that, to the
1495 best of the school board office candidate's knowledge, all receipts and all expenditures have
1496 been reported as of December 31 of the previous year and that there are no bills or obligations
1497 outstanding and unpaid except as set forth in that report.

1498 Section 24. Section **20A-11-1303** is amended to read:

1499 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1500 **-- Interim reports.**

1501 (1) Each school board office candidate shall file an interim report at the following
1502 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1503 (a) May 15, for state school board office candidates;

1504 (b) seven days before the regular primary election date;

1505 (c) August 31; and

1506 (d) seven days before the regular general election date.

1507 (2) Each interim report shall include the following information:

1508 (a) the net balance of the last summary report, if any;

1509 (b) a single figure equal to the total amount of receipts reported on all prior interim
1510 reports, if any, during the calendar year in which the interim report is due;

1511 (c) a single figure equal to the total amount of expenditures reported on all prior
1512 interim reports, if any, filed during the calendar year in which the interim report is due;

1513 (d) a detailed listing of each contribution and public service assistance received since
1514 the last summary report that has not been reported in detail on a prior interim report;

1515 (e) for each nonmonetary contribution:

- 1516 (i) the fair market value of the contribution with that information provided by the
1517 contributor; and
- 1518 (ii) a specific description of the contribution;
- 1519 (f) a detailed listing of each expenditure made since the last summary report that has
1520 not been reported in detail on a prior interim report;
- 1521 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1522 (h) a net balance for the year consisting of the net balance from the last summary
1523 report, if any, plus all receipts since the last summary report minus all expenditures since the
1524 last summary report;
- 1525 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1526 (i) beginning balance;
- 1527 (ii) total contributions during the period since the last statement;
- 1528 (iii) total contributions to date;
- 1529 (iv) total expenditures during the period since the last statement; and
- 1530 (v) total expenditures to date; and
- 1531 (j) the name of a political action committee for which the school board office candidate
1532 is designated as an officer who has primary decision-making authority under Section
1533 20A-11-601.
- 1534 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
1535 less, a single aggregate figure may be reported without separate detailed listings.
- 1536 (b) Two or more contributions from the same source that have an aggregate total of
1537 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1538 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1539 as of five days before the required filing date of the report.
- 1540 (b) Any negotiable instrument or check received by a school board office candidate
1541 more than five days before the required filing date of a report required by this section shall be
1542 included in the interim report.
- 1543 Section 25. Section **20A-11-1502** is amended to read:
- 1544 **20A-11-1502. Campaign financial reporting of contributions -- Filing**
1545 **requirements -- Statement contents.**
- 1546 (1) (a) Each labor organization that has made expenditures for political purposes or

1547 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1548 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1549 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1550 (ii) seven days before the regular primary election date;

1551 (iii) on August 31; and

1552 (iv) seven days before the regular general election date.

1553 (b) The labor organization shall report:

1554 (i) a detailed listing of all expenditures made since the last statement; and

1555 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1556 expenditures as of five days before the required filing date of the financial statement.

1557 (c) The labor organization need not file a financial statement under this section if the
1558 labor organization:

1559 (i) made no expenditures during the reporting period; or

1560 (ii) reports its expenditures during the reporting period under another part of this
1561 chapter.

1562 (2) The financial statement shall include:

1563 (a) the name and address of each reporting entity that received an expenditure or
1564 political issues expenditure of more than [~~\$50~~] \$100 from the labor organization, and the
1565 amount of each expenditure or political issues expenditure;

1566 (b) the total amount of expenditures disbursed by the labor organization; and

1567 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1568 the accuracy of the financial statement.

1569 Section 26. Section **20A-12-301** is amended to read:

1570 **20A-12-301. Definitions.**

1571 As used in this part:

1572 (1) (a) "Contribution" means any of the following when done for political purposes:

1573 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1574 value given to the judge or the judge's personal campaign committee;

1575 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1576 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1577 anything of value to the judge or the judge's personal campaign committee;

1578 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1579 the judge's personal campaign committee;

1580 (iv) compensation paid by any person or reporting entity other than the judge or the
1581 judge's personal campaign committee for personal services provided without charge to the
1582 judge or the judge's personal campaign committee; and

1583 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1584 campaign committee at less than fair market value.

1585 (b) "Contribution" does not include:

1586 (i) services provided without compensation by individuals volunteering a portion or all
1587 of their time on behalf of the judge or the judge's personal campaign committee; or

1588 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1589 institution in the ordinary course of business.

1590 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1591 organization that is registered as a corporation or is authorized to do business in a state and
1592 makes any expenditure from corporate funds for political purposes.

1593 (b) "Corporation" does not mean:

1594 (i) a business organization's political action committee as defined in Section
1595 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

1596 (ii) a business entity organized as a partnership or a sole proprietorship.

1597 (3) "Detailed listing" means:

1598 (a) for each contribution:

1599 (i) the name and address of the individual or source making the contribution, if known;

1600 (ii) the amount or value of the contribution; and

1601 (iii) the date the contribution was made; and

1602 (b) for each expenditure:

1603 (i) the amount of the expenditure;

1604 (ii) the person or entity to whom it was disbursed;

1605 (iii) the specific purpose, item, or service acquired by the expenditure; and

1606 (iv) the date the expenditure was made.

1607 (4) (a) "Expenditure" means:

1608 (i) any disbursement from contributions or from the separate bank account required by

1609 this chapter;

1610 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1611 or anything of value made for political purposes;

1612 (iii) an express, legally enforceable contract, promise, or agreement to make any
1613 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1614 value for political purposes;

1615 (iv) compensation paid by a corporation or reporting entity for personal services
1616 rendered by a person without charge to the judge or the judge's personal campaign committee;

1617 (v) a transfer of funds between the judge's personal campaign committee and another
1618 judge's personal campaign committee; or

1619 (vi) goods or services provided by the judge's personal campaign committee to or for
1620 the benefit of another judge for political purposes at less than fair market value.

1621 (b) "Expenditure" does not include:

1622 (i) services provided without compensation by individuals volunteering a portion or all
1623 of their time on behalf of the judge or judge's personal campaign committee; or

1624 (ii) money lent to a judge's personal campaign committee by a financial institution in
1625 the ordinary course of business.

1626 (5) "Individual" means a natural person.

1627 (6) "Interim report" means a report identifying the contributions received and
1628 expenditures made since the last report.

1629 (7) "Personal campaign committee" means the committee appointed by a judge to act
1630 for the judge as provided in this chapter.

1631 (8) "Political purposes" means an act done with the intent or in a way to influence or
1632 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1633 against any judge standing for retention at any election.

1634 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1635 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1636 action committee, and a political issues committee.

1637 (10) "Summary report" means the year-end report containing the summary of a
1638 reporting entity's contributions and expenditures.

1639 Section 27. Section **20A-12-303** is amended to read:

1640 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1641 (1) The judge or the judge's personal campaign committee shall deposit each
1642 contribution in one or more separate personal campaign accounts in a financial institution.

1643 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1644 any contributions received into a personal or business account.

1645 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

1646 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1647 campaign committee;

1648 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1649 instrument or check is negotiated; and

1650 (iii) for any other type of contribution, that any portion of the contribution's benefit
1651 inures to the judge.

1652 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1653 governor each contribution within 30 days after the contribution is received.

1654 (4) Within 30 days after receiving a cash contribution that exceeds \$100 from an
1655 unknown source, a judge or the judge's personal campaign committee shall disburse the amount
1656 of the contribution to:

1657 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1658 political subdivision's General Fund; or

1659 (b) an organization that is exempt from federal income taxation under Section
1660 501(c)(3), Internal Revenue Code.

1661 Section 28. Section **20A-12-304** is amended to read:

1662 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1663 **requirements -- Year-end summary report.**

1664 (1) The judge's personal campaign committee shall file a summary report with the
1665 lieutenant governor by January 10 of the year after the regular general election year.

1666 (2) (a) Each summary report shall include the following information as of December 31
1667 of the last regular general election year:

1668 (i) a single figure equal to the total amount of contributions reported on the interim
1669 report;

1670 (ii) a single figure equal to the total amount of expenditures reported on the interim

- 1671 report;
- 1672 (iii) a detailed listing of each contribution received since the last summary report that
1673 has not been reported in detail on the interim report;
- 1674 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 1675 (v) a detailed listing of each expenditure made since the last summary report that has
1676 not been reported in detail on the interim report;
- 1677 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 1678 (vii) the net balance for the year, consisting of all contributions minus all expenditures.
- 1679 (b) (i) For all single contributions of [~~\$50~~] \$100 or less, an aggregate figure may be
1680 reported without a separate detailed listing.
- 1681 (ii) Two or more contributions from the same source for a total of more than [~~\$50~~]
1682 \$100 may not be reported in the aggregate, but shall be reported in the detailed listing.
- 1683 (c) A check or negotiable instrument received by a judge or the judge's personal
1684 campaign committee on or before December 31 of the previous year shall be reported in the
1685 summary report.
- 1686 (3) The judge shall certify in the summary report that, to the best of the judge's
1687 knowledge, all contributions and all expenditures have been reported as of December 31 of the
1688 last regular general election year and that there are no financial obligations outstanding except
1689 as set forth in the report.

1690 Section 29. Section **20A-12-305** is amended to read:

1691 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1692 **requirements -- Interim report.**

- 1693 (1) The judge's personal campaign committee shall file an interim report with the
1694 lieutenant governor before the close of regular office hours on the date seven days before the
1695 regular general election date.
- 1696 (2) Each interim report shall include the following information:
- 1697 (a) a detailed listing of each contribution received since the last financial statement;
- 1698 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 1699 (c) a detailed listing of each expenditure made since the last summary report;
- 1700 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 1701 (e) a net balance for the year consisting of all contributions since the last summary

1702 report minus all expenditures since the last summary report.

1703 (3) (a) For all individual contributions of [~~\$50~~] \$100 or less, a single aggregate figure
1704 may be reported without separate detailed listings.

1705 (b) Two or more contributions from the same source that have an aggregate total of
1706 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1707 (4) In preparing each interim report, all contributions and expenditures shall be
1708 reported as of five days before the required filing date of the report.

1709 (5) A negotiable instrument or check received by a judge or the judge's personal
1710 campaign committee more than five days before the required filing date of a report required by
1711 this section shall be included in the interim report.

Legislative Review Note
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