

HB0174S01 compared with HB0174

~~{deleted text}~~ shows text that was in HB0174 but was deleted in HB0174S01.

inserted text shows text that was not in HB0174 but was inserted into HB0174S01.

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Representative Kraig Powell proposes the following substitute bill:

CAMPAIGN CONTRIBUTIONS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to campaign contributions.

Highlighted Provisions:

This bill:

- ~~{~~ → provides that a state office candidate, a legislative office candidate, a school board office candidate, or a judge may not, during any two-year period, accept total contributions from the same individual or source in an amount of \$9,999 or more;
- { →
 - ▶ requires the lieutenant governor to maintain, on the lieutenant governor's website, a database of reporting entities, principals, and lobbyists; and
 - ▶ requires a detailed listing in a financial report to include a statement indicating whether the individual or source making a contribution is a reporting entity, principal, or lobbyist.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

~~— **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396~~

ENACTS:

20A-11-105, Utah Code Annotated 1953

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

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

20A-11-101. Definitions.

As used in this chapter:

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

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

(3) "Candidate" means any person who:

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

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

(4) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues

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committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

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

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

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

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

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

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

(v) remuneration from:

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

or

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

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

(b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

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

(b) "Corporation" does not mean:

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

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

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

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

(10) "Detailed listing" means:

(a) for each contribution or public service assistance:

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

(ii) if a reporting entity has actual knowledge or imputed knowledge, as described in Section 20A-11-105, that the individual or source making the contribution or service is any of the following, a statement indicating which of the following the individual or source is:

(A) a reporting entity;

(B) a principal, as defined in Section 36-11-102; or

(C) a lobbyist, as defined in Section 36-11-102;

~~[(ii)]~~ (iii) the amount or value of the contribution or public service assistance; and

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

(b) for each expenditure:

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- (i) the amount of the expenditure;
- (ii) the person or entity to whom it was disbursed;
- (iii) the specific purpose, item, or service acquired by the expenditure; and
- (iv) the date the expenditure was made.

(11) "Election" means each:

- (a) regular general election;
- (b) regular primary election; and
- (c) special election at which candidates are eliminated and selected.

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

- (a) has at least a value of \$10,000;
- (b) clearly identifies a candidate or judge; and
- (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(13) (a) "Expenditure" means:

- (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
- (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
- (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
- (v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or
- (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

(b) "Expenditure" does not include:

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

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

(iii) anything listed in Subsection (13)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

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

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

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

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

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

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

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

(21) "Individual" means a natural person.

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

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

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

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

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

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

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

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

(26) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

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

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

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

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

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

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

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

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

(i) a party committee;

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

(iii) an individual;

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

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

(vi) a personal campaign committee.

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

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

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

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

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

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

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

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

(iii) an individual;

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

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

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

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

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

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

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

(v) goods or services provided to or for the benefit of a political issues committee at

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less than fair market value.

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

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

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

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

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

(36) "Primary election" means any regular primary election held under the election

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laws.

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

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

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

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

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

(i) anything provided by the state;

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

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

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

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

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

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

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

(42) "Registered political action committee" means any political action committee that

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is required by this chapter to file a statement of organization with the lieutenant governor's office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(49) "State office" means the offices of governor, lieutenant governor, attorney general,

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state auditor, and state treasurer.

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

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

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

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

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

Section 2. Section **20A-11-105** is enacted to read:

20A-11-105. Database of reporting entities, principals, and lobbyists.

(1) Beginning on July 1, 2013, the lieutenant governor shall maintain on the lieutenant governor's website a database, searchable by category and name, of each reporting entity, principal, and lobbyist.

(2) The lieutenant governor shall:

(a) ensure that the database described in Subsection (1) is accessible from a conspicuous link on the home page of the lieutenant governor's website; and

(b) keep a record of the day on which the lieutenant governor adds each reporting entity, principal, or lobbyist to the website.

(3) A reporting entity has imputed knowledge that an individual or source is a reporting entity, principal, or lobbyist beginning on the day after the day on which that information is added to the database described in Subsection (1).

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

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

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

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

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~~—— (i) a personal use expenditure; or~~

~~—— (ii) an expenditure prohibited by law.~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder~~

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~~of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure:~~

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

~~—— (i) a contribution deposited in an account:~~

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

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

~~—— (ii) an expenditure made from an account:~~

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

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

~~—— (7) A state office candidate may not, during any two-year period, accept total contributions from the same individual or source in an amount of \$9,999 or more.~~

~~—— Section 4. Section 20A-11-301 is amended to read:~~

~~—— 20A-11-301. Legislative office candidate -- Campaign finance requirements --~~

~~**Candidate as a political action committee officer -- No personal use -- Report contributions within 30 days -- Report other accounts:**~~

~~—— (1) (a) (i) Each legislative office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose:~~

~~—— (ii) A legislative office candidate may:~~

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

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

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

~~—— (i) a personal use expenditure; or~~

~~—— (ii) an expenditure prohibited by law.~~

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

~~—— (3) If a person who is no longer a legislative candidate chooses not to expend the~~

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~~money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by Section 20A-11-304 are filed with the lieutenant governor.~~

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

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

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

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

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

~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate:~~

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

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

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

~~—— (ii) into which or from which a person who, as a candidate for an office, other than a legislative office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a legislative office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure:~~

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

~~—— (i) a contribution deposited in an account:~~

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

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

~~— (ii) an expenditure made from an account:~~

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

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

~~— (7) A legislative office candidate may not, during any two-year period, accept total contributions from the same individual or source in an amount of \$9,999 or more.~~

~~— Section 5. Section 20A-11-1301 is amended to read:~~

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

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

~~— (ii) A school board office candidate may:~~

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

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

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

~~— (i) a personal use expenditure; or~~

~~— (ii) an expenditure prohibited by law.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (7) (a) As used in this Subsection (7), "account" means an account in a financial institution:~~

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

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

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

~~—— (i) a contribution deposited in an account:~~

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

HB0174S01 compared with HB0174

- ~~—— (B) that has not been reported under a statute or ordinance that governs the account; or~~
- ~~—— (ii) an expenditure made from an account:~~
- ~~—— (A) since the last campaign finance statement was filed; or~~
- ~~—— (B) that has not been reported under a statute or ordinance that governs the account.~~
- ~~—— (8) A school board office candidate may not, during any two-year period, accept total contributions from the same individual or source in an amount of \$9,999 or more.~~
- ~~—— Section 6. Section **20A-12-303** is amended to read:~~
- ~~—— **20A-12-303. Separate account for campaign funds -- Reporting contributions.**~~
- ~~—— (1) The judge or the judge's personal campaign committee shall deposit each contribution in one or more separate personal campaign accounts in a financial institution.~~
- ~~—— (2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.~~
- ~~—— (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:~~
- ~~—— (i) for a cash contribution, that the cash is given to a judge or the judge's personal campaign committee;~~
- ~~—— (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and~~
- ~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.~~
- ~~—— (b) The judge or the judge's personal campaign committee shall report to the lieutenant governor each contribution within 30 days after the contribution is received.~~
- ~~—— (4) A judge may not, during any two-year period, accept total contributions from the same individual or source in an amount of \$9,999 or more.~~

Legislative Review Note

~~—— as of 3-4-13 10:55 AM~~

~~—— Office of Legislative Research and General Counsel}~~