

**CAMPAIGN CONTRIBUTIONS AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

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

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**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.

**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



28           **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230  
 29           **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230  
 30           **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396

31 ENACTS:

32           **20A-11-105**, Utah Code Annotated 1953



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

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

36           **20A-11-101. Definitions.**

37           As used in this chapter:

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

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

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

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

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

48           (4) "Chief election officer" means:

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

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

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

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

57           (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
 58 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or

59 anything of value to the filing entity;

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

61 (iv) compensation paid by any person or reporting entity other than the filing entity for

62 personal services provided without charge to the filing entity;

63 (v) remuneration from:

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

65 or

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

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

68 market value.

69 (b) "Contribution" does not include:

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

71 of their time on behalf of the filing entity;

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

73 business; or

74 (iii) goods or services provided for the benefit of a candidate or political party at less

75 than fair market value that are not authorized by or coordinated with the candidate or political

76 party.

77 (6) "Coordinated with" means that goods or services provided for the benefit of a

78 candidate or political party are provided:

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

80 party does not object;

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

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

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

84 political party.

85 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

86 organization that is registered as a corporation or is authorized to do business in a state and

87 makes any expenditure from corporate funds for:

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

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

90 proposition.

91 (b) "Corporation" does not mean:

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

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

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

97 (9) "County political party officer" means a person whose name is required to be  
98 submitted by a county political party to the lieutenant governor in accordance with Section  
99 20A-8-402.

100 (10) "Detailed listing" means:

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

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

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

107 (A) a reporting entity;

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

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

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

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

112 (b) for each expenditure:

113 (i) the amount of the expenditure;

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

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

116 (iv) the date the expenditure was made.

117 (11) "Election" means each:

118 (a) regular general election;

119 (b) regular primary election; and

120 (c) special election at which candidates are eliminated and selected.

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

122 (a) has at least a value of \$10,000;

123 (b) clearly identifies a candidate or judge; and

124 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
125 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
126 identified candidate's or judge's election date.

127 (13) (a) "Expenditure" means:

128 (i) any disbursement from contributions, receipts, or from the separate bank account  
129 required by this chapter;

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

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

135 (iv) compensation paid by a filing entity for personal services rendered by a person  
136 without charge to a reporting entity;

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

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

141 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

185 (29) "Personal use expenditure" has the same meaning as provided under Section  
186 20A-11-104.

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

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

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

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

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

197 (i) a party committee;

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

200 (iii) an individual;

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

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

205 (vi) a personal campaign committee.

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

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

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

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

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

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

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

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

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

222 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

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

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



245 the approval or the defeat of:

246 (A) a ballot proposition; or

247 (B) an incorporation petition or incorporation election;

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

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

250 (A) a ballot proposition; or

251 (B) an incorporation petition or incorporation election;

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

253 political issues expenditure;

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

255 without charge to a political issues committee; or

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

257 than fair market value.

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

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

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

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

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

267 (36) "Primary election" means any regular primary election held under the election  
268 laws.

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

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

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

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

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

281 (i) anything provided by the state;

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

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

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

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

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

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

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

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

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

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

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

307 for any of its candidates for any office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

341 **20A-11-105. Database of reporting entities, principals, and lobbyists.**

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

345 (2) The lieutenant governor shall:

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

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

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

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

354 **20A-11-201. State office candidate -- Separate bank account for campaign funds**  
355 **-- No personal use -- Report contributions within 30 days -- Report other accounts.**

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

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

361 (i) a personal use expenditure; or

362 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

390 (ii) into which or from which a person who, as a candidate for an office, other than the  
391 state office for which the person files a declaration of candidacy or federal office, or as a holder  
392 of an office, other than a state office for which the person files a declaration of candidacy or  
393 federal office, deposits a contribution or makes an expenditure.

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

396 (i) a contribution deposited in an account:

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

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

399 (ii) an expenditure made from an account:

- 400 (A) since the last campaign finance statement was filed; or
- 401 (B) that has not been reported under a statute or ordinance that governs the account.
- 402 (7) A state office candidate may not, during any two-year period, accept total
- 403 contributions from the same individual or source in an amount of \$9,999 or more.

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

405 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**  
406 **Candidate as a political action committee officer -- No personal use -- Report**  
407 **contributions within 30 days -- Report other accounts.**

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

411 (ii) A legislative office candidate may:

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

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

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

418 (i) a personal use expenditure; or

419 (ii) an expenditure prohibited by law.

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

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

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

430 (b) A person who is no longer a legislative office candidate may transfer the money in

431 a campaign account in a manner that would cause the former legislative office candidate to  
432 recognize the money as taxable income under federal tax law if the transfer is made to a  
433 campaign account for federal office.

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

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

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

439 (iii) for any other type of contribution, that any portion of the contribution's benefit  
440 inures to the legislative office candidate.

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

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

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

447 (ii) into which or from which a person who, as a candidate for an office, other than a  
448 legislative office for which the person files a declaration of candidacy or federal office, or as a  
449 holder of an office, other than a legislative office for which the person files a declaration of  
450 candidacy or federal office, deposits a contribution or makes an expenditure.

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

453 (i) a contribution deposited in an account:

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

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

456 (ii) an expenditure made from an account:

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

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

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

461 Section 5. Section **20A-11-1301** is amended to read:

462           **20A-11-1301. School board office candidate -- Campaign finance requirements --**  
463 **Candidate as a political action committee officer -- No personal use -- Report**  
464 **contributions within 30 days -- Report other accounts.**

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

468           (ii) A school board office candidate may:

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

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

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

475           (i) a personal use expenditure; or

476           (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

514 (i) a contribution deposited in an account:

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

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

517 (ii) an expenditure made from an account:

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

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

520 (8) A school board office candidate may not, during any two-year period, accept total  
521 contributions from the same individual or source in an amount of \$9,999 or more.

522 Section 6. Section **20A-12-303** is amended to read:

523 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

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

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

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

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

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

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

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

537 (4) A judge may not, during any two-year period, accept total contributions from the  
538 same individual or source in an amount of \$9,999 or more.

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**Legislative Review Note**  
**as of 3-4-13 10:55 AM**

**Office of Legislative Research and General Counsel**