

**ELECTION CODE - FINANCIAL REPORTING
REQUIREMENT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: Mike K. McKell

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to financial reporting.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a state office holder, a legislative office holder, and a state school board office holder to each file an interim financial report;
- ▶ requires a political action committee and a political issues committee to each file an interim financial report seven days before the state political convention of each major political party;
- ▶ increases reporting times for a corporation;
- ▶ provides for a fine and criminal action against a person who violates certain provisions of this bill;
- ▶ decreases, from 14 days to seven days after receiving notice from the lieutenant governor, the time within which reporting individuals or entities are required to file or amend a summary report before penalties are imposed;
- ▶ requires the lieutenant governor to impose a fine on an individual or entity that fails to file or amend a summary report within seven days after the day on which the individual or entity receives notice from the lieutenant governor; and
- ▶ makes clarifying and technical changes.

Money Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230

36 **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347

37 **20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396

38 **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347

39 **20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396

40 **20A-11-403**, as last amended by Laws of Utah 2010, Chapter 389

41 **20A-11-508**, as last amended by Laws of Utah 2010, Chapter 389

42 **20A-11-512**, as enacted by Laws of Utah 2011, Chapter 396

43 **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230

44 **20A-11-603**, as last amended by Laws of Utah 2012, Chapter 69

45 **20A-11-701 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

46 **20A-11-702**, as last amended by Laws of Utah 2010, Chapter 389

47 **20A-11-703**, as last amended by Laws of Utah 2010, Chapter 389

48 **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230

49 **20A-11-803**, as last amended by Laws of Utah 2012, Chapter 69

50 **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347

51 **20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396

52 **20A-11-1503**, as last amended by Laws of Utah 2011, Chapter 396

53

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

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

56 **20A-11-101. Definitions.**

57 As used in this chapter:

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

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

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

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

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

68 (4) "Chief election officer" means:

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

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

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

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

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

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

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

83 (v) remuneration from:

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

85 or

86 (B) any agency or subdivision of the state, including school districts; and
87 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
88 market value.

89 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

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

111 (b) "Corporation" does not mean:

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

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

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

117 (9) "County political party officer" means a person whose name is required to be
118 submitted by a county political party to the lieutenant governor in accordance with Section
119 20A-8-402.

120 (10) "Detailed listing" means:

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

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

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

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

126 (b) for each expenditure:

127 (i) the amount of the expenditure;

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

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

130 (iv) the date the expenditure was made.

131 (11) "Election" means each:

132 (a) regular general election;

133 (b) regular primary election; and

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

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

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

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

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

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

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

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

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

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

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

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

155 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

191 (25) "Major political party" means either of the two registered political parties that
192 have the greatest number of members elected to the two houses of the Legislature.

193 [~~(25)~~] (26) "Officeholder" means a person who holds a public office.

194 [~~(26)~~] (27) "Party committee" means any committee organized by or authorized by the
195 governing board of a registered political party.

196 [~~(27)~~] (28) "Person" means both natural and legal persons, including individuals,
197 business organizations, personal campaign committees, party committees, political action

198 committees, political issues committees, and labor organizations, as defined in Section
199 20A-11-1501.

200 ~~[(28)]~~ (29) "Personal campaign committee" means the committee appointed by a
201 candidate to act for the candidate as provided in this chapter.

202 ~~[(29)]~~ (30) "Personal use expenditure" has the same meaning as provided under Section
203 20A-11-104.

204 ~~[(30)]~~ (31) (a) "Political action committee" means an entity, or any group of
205 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

214 (i) a party committee;

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

217 (iii) an individual;

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

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

222 (vi) a personal campaign committee.

223 ~~[(31)]~~ (32) "Political convention" means a county or state political convention held by
224 a registered political party to select candidates.

225 ~~[(32)]~~ (33) (a) "Political issues committee" means an entity, or any group of individuals

226 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

239 (iii) an individual;

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

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

244 [~~(33)~~] (34) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

254 less than fair market value.

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

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

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

260 [~~34~~] (35) (a) "Political issues expenditure" means any of the following:

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

263 (A) a ballot proposition; or

264 (B) an incorporation petition or incorporation election;

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

267 (A) a ballot proposition; or

268 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

280 [~~35~~] (36) "Political purposes" means an act done with the intent or in a way to

281 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote

282 for or against any candidate or a person seeking a municipal or county office at any caucus,
283 political convention, or election.

284 ~~[(36)]~~ (37) "Primary election" means any regular primary election held under the
285 election laws.

286 ~~[(37)]~~ (38) "Public office" means the office of governor, lieutenant governor, state
287 auditor, state treasurer, attorney general, state or local school board member, state senator, state
288 representative, speaker of the House of Representatives, president of the Senate, and the leader,
289 whip, and assistant whip of any party caucus in either house of the Legislature.

290 ~~[(38)]~~ (39) (a) "Public service assistance" means the following when given or provided
291 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
292 communicate with the officeholder's constituents:

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

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

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

298 (i) anything provided by the state;

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

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

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

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

307 ~~[(39)]~~ (40) "Publicly identified class of individuals" means a group of 50 or more
308 individuals sharing a common occupation, interest, or association that contribute to a political
309 action committee or political issues committee and whose names can be obtained by contacting

310 the political action committee or political issues committee upon whose financial statement the
311 individuals are listed.

312 ~~[(40)]~~ (41) "Receipts" means contributions and public service assistance.

313 ~~[(41)]~~ (42) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
314 Lobbyist Disclosure and Regulation Act.

315 ~~[(42)]~~ (43) "Registered political action committee" means any political action
316 committee that is required by this chapter to file a statement of organization with the lieutenant
317 governor's office.

318 ~~[(43)]~~ (44) "Registered political issues committee" means any political issues
319 committee that is required by this chapter to file a statement of organization with the lieutenant
320 governor's office.

321 ~~[(44)]~~ (45) "Registered political party" means an organization of voters that:

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

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

327 ~~[(45)]~~ (46) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

336 ~~[(46)]~~ (47) "Reporting entity" means a candidate, a candidate's personal campaign
337 committee, a judge, a judge's personal campaign committee, an officeholder, a party

338 committee, a political action committee, a political issues committee, a corporation, or a labor
339 organization, as defined in Section 20A-11-1501.

340 ~~[(47)]~~ (48) "School board office" means the office of state school board or local school
341 board.

342 ~~[(48)]~~ (49) (a) "Source" means the person or entity that is the legal owner of the
343 tangible or intangible asset that comprises the contribution.

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

347 ~~[(49)]~~ (50) "State office" means the offices of governor, lieutenant governor, attorney
348 general, state auditor, and state treasurer.

349 ~~[(50)]~~ (51) "State office candidate" means a person who:

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

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

354 ~~[(51)]~~ (52) "Summary report" means the year end report containing the summary of a
355 reporting entity's contributions and expenditures.

356 ~~[(52)]~~ (53) "Supervisory board" means the individual or group of individuals that
357 allocate expenditures from a political issues committee.

358 Section 2. Section **20A-11-204** is amended to read:

359 **20A-11-204. State office candidate and state office holder -- Financial reporting**
360 **requirements -- Interim reports.**

361 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
362 account required under Subsection 20A-11-201(1)(a).

363 ~~[(1)]~~ (b) Each state office candidate shall file an interim report at the following times in
364 any year in which the candidate has filed a declaration of candidacy for a public office:

365 ~~[(a)]~~ (i) seven days before the candidate's political convention;

366 ~~(b)~~ (ii) seven days before the regular primary election date;

367 ~~(c)~~ (iii) August 31; and

368 ~~(d)~~ (iv) seven days before the regular general election date.

369 (c) Each state office holder who has a campaign account that has not been dissolved
370 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,
371 regardless of whether an election for the state office holder's office is held that year:

372 (i) seven days before the political convention for the political party of the state office
373 holder;

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

375 (iii) August 31; and

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

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

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

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

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

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

385 (e) for each nonmonetary contribution:

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

388 (ii) a specific description of the contribution;

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

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

392 (h) a net balance for the year consisting of the net balance from the last summary

393 report, if any, plus all receipts since the last summary report minus all expenditures since the

394 last summary report;

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

396 (i) beginning balance;

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

398 (iii) total contributions to date;

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

400 (v) total expenditures to date; and

401 (j) the name of a political action committee for which the state office candidate or state
402 office holder is designated as an officer who has primary decision-making authority under
403 Section 20A-11-601.

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

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

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

410 (b) Any negotiable instrument or check received by a state office candidate or state
411 office holder more than five days before the required filing date of a report required by this
412 section shall be included in the interim report.

413 Section 3. Section **20A-11-206** is amended to read:

414 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

415 (1) (a) If a state office candidate fails to file an interim report due before the regular
416 primary election, on August 31, or before the regular general election, the lieutenant governor
417 shall, after making a reasonable attempt to discover if the report was timely filed:

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

419 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
420 the ballots are delivered to voters; or

421 (II) shall, if removing the candidate's name from the ballot is not practicable, inform

422 the voters by any practicable method that the candidate has been disqualified and that votes
423 cast for the candidate will not be counted; and

424 (B) may not count any votes for that candidate; and

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

426 (b) Any state office candidate who fails to file timely a financial statement required by
427 Subsection 20A-11-204(1)(b)[~~(c), or (d)~~](ii), (iii), or (iv) is disqualified and the vacancy on
428 the ballot may be filled as provided in Section 20A-1-501.

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

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

433 (ii) the reports are completed, detailing accurately and completely the information
434 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
435 and

436 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
437 corrected in:

438 (A) an amended report; or

439 (B) the next scheduled report.

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

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

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

445 (b) If it appears that any state office candidate has failed to file the summary report
446 required by law, if it appears that a filed summary report does not conform to the law, or if the
447 lieutenant governor has received a written complaint alleging a violation of the law or the
448 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
449 violation or receipt of a written complaint, notify the state office candidate of the violation or

450 written complaint and direct the state office candidate to file a summary report correcting the
451 problem.

452 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
453 report within [~~14~~] seven days after receiving notice from the lieutenant governor under this
454 section.

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

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

459 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
460 governor shall impose a civil fine of \$100 against a state office candidate who violates
461 Subsection (2)(c)(i).

462 Section 4. Section **20A-11-303** is amended to read:

463 **20A-11-303. Legislative office candidate and legislative office holder -- Financial**
464 **reporting requirements -- Interim reports.**

465 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
466 account required under Subsection 20A-11-301(1)(a)(i).

467 [~~(b)~~] (b) Each legislative office candidate shall file an interim report at the following
468 times in any year in which the candidate has filed a declaration of candidacy for a public office:

469 [~~(a)~~] (i) seven days before the candidate's political convention;

470 [~~(b)~~] (ii) seven days before the regular primary election date;

471 [~~(c)~~] (iii) August 31; and

472 [~~(d)~~] (iv) seven days before the regular general election date.

473 (c) Each legislative office holder who has a campaign account that has not been
474 dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the
475 following times, regardless of whether an election for the legislative office holder's office is
476 held that year:

477 (i) seven days before the political convention for the political party of the legislative

478 office holder;

479 (ii) seven days before the regular primary election date for that year;

480 (iii) August 31; and

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

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

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

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

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

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

490 (e) for each nonmonetary contribution:

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

493 (ii) a specific description of the contribution;

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

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

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

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

501 (i) beginning balance;

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

503 (iii) total contributions to date;

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

505 (v) total expenditures to date; and

506 (j) the name of a political action committee for which the legislative office candidate or
507 legislative office holder is designated as an officer who has primary decision-making authority
508 under Section 20A-11-601.

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

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

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

515 (b) Any negotiable instrument or check received by a legislative office candidate or
516 legislative office holder more than five days before the required filing date of a report required
517 by this section shall be included in the interim report.

518 Section 5. Section **20A-11-305** is amended to read:

519 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

520 (1) (a) If a legislative office candidate fails to file an interim report due before the
521 regular primary election, on August 31, or before the regular general election, the lieutenant
522 governor shall, after making a reasonable attempt to discover if the report was timely filed:

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

524 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
525 the ballots are delivered to voters; or

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

529 (B) may not count any votes for that candidate; and

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

531 (b) Any legislative office candidate who fails to file timely a financial statement
532 required by Subsection 20A-11-303(1)(b)[~~, (c), or (d)~~](ii), (iii), or (iv) is disqualified and the
533 vacancy on the ballot may be filled as provided in Section 20A-1-501.

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

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

538 (ii) the reports are completed, detailing accurately and completely the information
539 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
540 and

541 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
542 corrected in:

543 (A) an amended report; or

544 (B) the next scheduled report.

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

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

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

550 (b) If it appears that any legislative office candidate has failed to file the summary
551 report required by law, if it appears that a filed summary report does not conform to the law, or
552 if the lieutenant governor has received a written complaint alleging a violation of the law or the
553 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
554 violation or receipt of a written complaint, notify the legislative office candidate of the
555 violation or written complaint and direct the legislative office candidate to file a summary
556 report correcting the problem.

557 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
558 summary report within [~~14~~] seven days after receiving notice from the lieutenant governor
559 under this section.

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

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

564 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
565 governor shall impose a civil fine of \$100 against a legislative office candidate who violates
566 Subsection (2)(c)(i).

567 Section 6. Section **20A-11-403** is amended to read:

568 **20A-11-403. Failure to file -- Penalties.**

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

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

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

573 (2) If it appears that any officeholder has failed to file the summary report required by
574 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
575 governor has received a written complaint alleging a violation of the law or the falsity of any
576 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
577 violation has occurred:

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

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

582 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
583 within [~~14~~] seven days after receiving notice from the lieutenant governor under this section.

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

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

588 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
589 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection

590 (3)(a).

591 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
592 under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)(c), the lieutenant
593 governor shall review each filed interim report to ensure that each interim report contains the
594 information required for the report.

595 (5) If it appears that any officeholder has failed to file an interim report required by
596 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
597 governor has received a written complaint alleging a violation of the law or the falsity of any
598 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
599 violation has occurred:

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

601 (b) within five days after the day on which the violation is discovered or a written
602 complaint is received, notify the officeholder of the violation or written complaint and direct
603 the officeholder to file an interim report correcting the problem.

604 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
605 within seven days after the day on which the officeholder receives notice from the lieutenant
606 governor under this section.

607 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
608 misdemeanor.

609 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
610 attorney general.

611 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
612 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
613 (6)(a).

614 Section 7. Section **20A-11-508** is amended to read:

615 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

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

- 618 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and
- 619 (ii) guilty of a class B misdemeanor.
- 620 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
- 621 attorney general.
- 622 (2) Within 30 days after a deadline for the filing of a summary report required by this
- 623 part, the lieutenant governor shall review each filed report to ensure that:
- 624 (a) each political party that is required to file a report has filed one; and
- 625 (b) each report contains the information required by this part.
- 626 (3) If it appears that any political party has failed to file a report required by law, if it
- 627 appears that a filed report does not conform to the law, or if the lieutenant governor has
- 628 received a written complaint alleging a violation of the law or the falsity of any report, the
- 629 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
- 630 complaint, notify the political party of the violation or written complaint and direct the political
- 631 party to file a summary report correcting the problem.
- 632 (4) (a) It is unlawful for any political party to fail to file or amend a summary report
- 633 within [~~14~~] seven days after receiving notice from the lieutenant governor under this section.
- 634 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
- 635 misdemeanor.
- 636 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
- 637 attorney general.
- 638 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
- 639 governor shall impose a civil fine of \$1,000 against a political party that violates Subsection
- 640 (4)(a).

641 Section 8. Section **20A-11-512** is amended to read:

642 **20A-11-512. County political party -- Criminal penalties -- Fines.**

- 643 (1) A county political party that fails to file the interim report due before the regular
- 644 primary election, on August 31, or before the regular general election is subject to a fine of
- 645 \$1,000, which the chief election officer shall deposit in the General Fund.

646 (2) Within 30 days after a deadline for the filing of the January 10 statement required
647 by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure
648 that:

- 649 (a) a county political party officer who is required to file a statement has filed one; and
- 650 (b) each statement contains the information required by Section 20A-11-510.

651 (3) If it appears that any county political party officer has failed to file a financial
652 statement, if it appears that a filed financial statement does not conform to the law, or if the
653 lieutenant governor has received a written complaint alleging a violation of the law or the
654 falsity of any financial statement, the lieutenant governor shall, within five days of discovery of
655 a violation or receipt of a written complaint, notify the county political party officer of the
656 violation or written complaint and direct the county political party officer to file a financial
657 statement correcting the problem.

658 (4) A county political party that fails to file or amend a financial statement within [~~14~~
659 seven days after receiving notice from the lieutenant governor under this section is subject to a
660 fine of \$1,000, which the chief election officer shall deposit in the General Fund.

661 Section 9. Section **20A-11-602** is amended to read:

662 **20A-11-602. Political action committees -- Financial reporting.**

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

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

668 (ii) seven days before the state political convention of each major political party;

669 [~~(ii)~~] (iii) seven days before the regular primary election date;

670 [~~(iii)~~] (iv) on August 31; and

671 [~~(iv)~~] (v) seven days before:

672 (A) the municipal general election; and

673 (B) the regular general election date.

- 674 (b) The registered political action committee shall report:
- 675 (i) a detailed listing of all contributions received and expenditures made since the last
- 676 statement; and
- 677 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
- 678 contributions and expenditures as of five days before the required filing date of the financial
- 679 statement.
- 680 (c) The registered political action committee need not file a statement under this
- 681 section if it received no contributions and made no expenditures during the reporting period.
- 682 (2) (a) The verified financial statement shall include:
- 683 (i) the name and address of any individual that makes a contribution to the reporting
- 684 political action committee, and the amount of the contribution;
- 685 (ii) the identification of any publicly identified class of individuals that makes a
- 686 contribution to the reporting political action committee, and the amount of the contribution;
- 687 (iii) the name and address of any political action committee, group, or entity that makes
- 688 a contribution to the reporting political action committee, and the amount of the contribution;
- 689 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 690 (v) the name and address of each reporting entity that received an expenditure from the
- 691 reporting political action committee, and the amount of each expenditure;
- 692 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 693 (vii) the total amount of contributions received and expenditures disbursed by the
- 694 reporting political action committee;
- 695 (viii) a statement by the political action committee's treasurer or chief financial officer
- 696 certifying that, to the best of the person's knowledge, the financial report is accurate; and
- 697 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 698 (A) beginning balance;
- 699 (B) total contributions during the period since the last statement;
- 700 (C) total contributions to date;
- 701 (D) total expenditures during the period since the last statement; and

702 (E) total expenditures to date.

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

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

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

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

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

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

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

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

718 Section 10. Section **20A-11-603** is amended to read:

719 **20A-11-603. Criminal penalties -- Fines.**

720 (1) (a) Each political action committee that fails to file the financial statement due
721 before the regular primary election, on August 31, before the municipal general election, or
722 before the regular general election is:

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

724 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

737 (4) (a) It is unlawful for any political action committee to fail to file or amend a
738 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this
739 section.

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

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

744 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
745 governor shall impose a civil fine of \$1,000 against a political action committee that violates
746 Subsection (4)(a).

747 Section 11. Section **20A-11-701 (Effective 05/01/13)** is amended to read:

748 **20A-11-701 (Effective 05/01/13). Campaign financial reporting by corporations --**
749 **Filing requirements -- Statement contents.**

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

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

754 (ii) seven days before the state political convention for each major political party;

755 [~~(ii)~~] (iii) seven days before the regular primary election date;

756 [~~(iii)~~] (iv) on August 31; and

757 [~~(iv)~~] (v) seven days before the regular general election date.

758 (b) The corporation shall report:
759 (i) a detailed listing of all expenditures made since the last statement;
760 (ii) for financial statements filed under Subsections (1)(a)(i) through [~~(iv)~~] (v), all
761 expenditures as of five days before the required filing date of the financial statement; and
762 (iii) whether the corporation, including an officer of the corporation, director of the
763 corporation, or person with at least 10% ownership in the corporation:
764 (A) has bid since the last financial statement on a contract, as defined in Section
765 63G-6a-103, in excess of \$100,000;
766 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of
767 \$100,000; or
768 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
769 (c) The corporation need not file a financial statement under this section if the
770 corporation made no expenditures during the reporting period.
771 (2) The financial statement shall include:
772 (a) the name and address of each reporting entity that received an expenditure from the
773 corporation, and the amount of each expenditure;
774 (b) the total amount of expenditures disbursed by the corporation; and
775 (c) a statement by the corporation's treasurer or chief financial officer certifying the
776 accuracy of the financial statement.
777 Section 12. Section **20A-11-702** is amended to read:
778 **20A-11-702. Campaign financial reporting of political issues expenditures by**
779 **corporations -- Financial reporting.**
780 (1) (a) Each corporation that has made political issues expenditures on current or
781 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
782 financial statement with the lieutenant governor's office:
783 (i) on January 10, reporting expenditures as of December 31 of the previous year;
784 (ii) seven days before the state political convention of each major political party;
785 [~~(ii)~~] (iii) seven days before the regular primary election date;

786 [~~(iii)~~] (iv) on August 31; and
787 [~~(iv)~~] (v) seven days before the regular general election date.
788 (b) The corporation shall report:
789 (i) a detailed listing of all expenditures made since the last statement; and
790 (ii) for financial statements under Subsections (1)(a)(ii) through [~~(iv)~~] (v), expenditures
791 as of five days before the required filing date of the financial statement.

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

794 (2) That statement shall include:

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

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

799 (c) a statement by the corporation's treasurer or chief financial officer certifying the
800 accuracy of the verified financial statement.

801 Section 13. Section **20A-11-703** is amended to read:

802 **20A-11-703. Criminal penalties -- Fines.**

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

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

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

807 (2) If it appears that any corporation has failed to file any statement, if it appears that a
808 filed statement does not conform to the law, or if the lieutenant governor has received a written
809 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
810 shall:

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

812 (b) within five days of discovery of a violation or receipt of a written complaint, notify
813 the corporation of the violation or written complaint and direct the corporation to file a

814 statement correcting the problem.

815 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within [~~14~~]
816 seven days after receiving notice from the lieutenant governor under this section.

817 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

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

820 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
821 governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection
822 (3)(a).

823 Section 14. Section **20A-11-802** is amended to read:

824 **20A-11-802. Political issues committees -- Financial reporting.**

825 (1) (a) Each registered political issues committee that has received political issues
826 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
827 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
828 governor's office:

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

831 (ii) seven days before the state political convention of each major political party;

832 (iii) seven days before the regular primary election date;

833 [~~(ii)~~] (iv) seven days before the date of an incorporation election, if the political issues
834 committee has received donations or made disbursements to affect an incorporation;

835 [~~(iii)~~] (v) at least three days before the first public hearing held as required by Section
836 20A-7-204.1;

837 [~~(iv)~~] (vi) if the political issues committee has received or expended funds in relation to
838 an initiative or referendum, at the time the initiative or referendum sponsors submit:

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

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

841 [~~(v)~~] (vii) on August 31; and

- 842 [~~(vi)~~] (viii) seven days before:
- 843 (A) the municipal general election; and
- 844 (B) the regular general election.
- 845 (b) The political issues committee shall report:
- 846 (i) a detailed listing of all contributions received and expenditures made since the last
- 847 statement; and
- 848 (ii) all contributions and expenditures as of five days before the required filing date of
- 849 the financial statement, except for a financial statement filed on January 10.
- 850 (c) The political issues committee need not file a statement under this section if it
- 851 received no contributions and made no expenditures during the reporting period.
- 852 (2) (a) That statement shall include:
- 853 (i) the name and address of any individual that makes a political issues contribution to
- 854 the reporting political issues committee, and the amount of the political issues contribution;
- 855 (ii) the identification of any publicly identified class of individuals that makes a
- 856 political issues contribution to the reporting political issues committee, and the amount of the
- 857 political issues contribution;
- 858 (iii) the name and address of any political issues committee, group, or entity that makes
- 859 a political issues contribution to the reporting political issues committee, and the amount of the
- 860 political issues contribution;
- 861 (iv) the name and address of each reporting entity that makes a political issues
- 862 contribution to the reporting political issues committee, and the amount of the political issues
- 863 contribution;
- 864 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 865 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
- 866 entity, or group of individuals or entities that received a political issues expenditure of more
- 867 than \$50 from the reporting political issues committee, and the amount of each political issues
- 868 expenditure;
- 869 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

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

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

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

875 (A) beginning balance;

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

877 (C) total contributions to date;

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

879 (E) total expenditures to date.

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

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

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

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

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

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

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

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

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

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

898 Section 15. Section **20A-11-803** is amended to read:

899 **20A-11-803. Criminal penalties.**

900 (1) (a) Each political issues committee that fails to file financial the statement due
901 August 31, before the municipal general election, or before the regular general election is guilty
902 of a class B misdemeanor.

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

905 (2) Within 30 days after a deadline for the filing of the January 10 statement, the
906 lieutenant governor shall review each filed statement to ensure that:

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

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

909 (3) If it appears that any political issues committee has failed to file the January 10
910 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
911 governor has received a written complaint alleging a violation of the law or the falsity of any
912 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
913 of a written complaint, notify the political issues committee of the violation or written
914 complaint and direct the political issues committee to file a statement correcting the problem.

915 (4) (a) It is unlawful for any political issues committee to fail to file or amend a
916 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this
917 section.

918 (b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B
919 misdemeanor.

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

922 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
923 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
924 Subsection (4)(a).

925 Section 16. Section **20A-11-1303** is amended to read:

926 **20A-11-1303. School board office candidate and school board office holder --**
927 **Financial reporting requirements -- Interim reports.**

928 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
929 account required under Subsection 20A-11-1301(1)(a)(i).

930 ~~[(+)]~~ (b) Each school board office candidate shall file an interim report at the following
931 times in any year in which the candidate has filed a declaration of candidacy for a public office:

932 ~~[(+)]~~ (i) May 15, for a state school board office ~~[candidates]~~ candidate;

933 ~~[(+)]~~ (ii) seven days before the regular primary election date;

934 ~~[(+)]~~ (iii) August 31; and

935 ~~[(+)]~~ (iv) seven days before the regular general election date.

936 (c) Each state school board office holder who has a campaign account that has not been
937 dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the
938 following times, regardless of whether an election for the state school board office holder's
939 office is held that year:

940 (i) May 15;

941 (ii) seven days before the regular primary election date for that year;

942 (iii) August 31; and

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

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

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

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

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

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

952 (e) for each nonmonetary contribution:

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

954 contributor; and

955 (ii) a specific description of the contribution;

956 (f) a detailed listing of each expenditure made since the last summary report that has

957 not been reported in detail on a prior interim report;

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

959 (h) a net balance for the year consisting of the net balance from the last summary

960 report, if any, plus all receipts since the last summary report minus all expenditures since the

961 last summary report;

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

963 (i) beginning balance;

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

965 (iii) total contributions to date;

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

967 (v) total expenditures to date; and

968 (j) the name of a political action committee for which the school board office candidate

969 or school board office holder is designated as an officer who has primary decision-making

970 authority under Section 20A-11-601.

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

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

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

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

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

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

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

978 school board office holder more than five days before the required filing date of a report

979 required by this section shall be included in the interim report.

980 Section 17. Section **20A-11-1305** is amended to read:

981 **20A-11-1305. School board office candidate -- Failure to file statement --**

982 **Penalties.**

983 (1) (a) If a school board office candidate fails to file an interim report due before the
984 regular primary election, on August 31, or before the regular general election, the chief election
985 officer shall, after making a reasonable attempt to discover if the report was timely filed:

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

987 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
988 the ballots are delivered to voters; or

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

992 (B) may not count any votes for that candidate; and

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

994 (b) Any school board office candidate who fails to file timely a financial statement
995 required by Subsection 20A-11-1303(1)(b)~~[(c), or (d)]~~(ii), (iii), or (iv) is disqualified and the
996 vacancy on the ballot may be filled as provided in Section 20A-1-501.

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

999 (i) the candidate timely files the reports required by this section in accordance with
1000 Section 20A-11-103;

1001 (ii) those reports are completed, detailing accurately and completely the information
1002 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1003 and

1004 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
1005 corrected in:

1006 (A) an amended report; or

1007 (B) the next scheduled report.

1008 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1009 for state school board, the lieutenant governor shall review each filed summary report to ensure

1010 that:

1011 (i) each state school board candidate that is required to file a summary report has filed
1012 one; and

1013 (ii) each summary report contains the information required by this part.

1014 (b) If it appears that any state school board candidate has failed to file the summary
1015 report required by law, if it appears that a filed summary report does not conform to the law, or
1016 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1017 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1018 violation or receipt of a written complaint, notify the state school board candidate of the
1019 violation or written complaint and direct the state school board candidate to file a summary
1020 report correcting the problem.

1021 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1022 summary report within [~~14~~] seven days after receiving notice from the lieutenant governor
1023 under this section.

1024 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1025 class B misdemeanor.

1026 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1027 attorney general.

1028 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant
1029 governor shall impose a civil fine of \$100 against a state school board candidate who violates
1030 Subsection (2)(c)(i).

1031 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1032 clerk shall review each filed summary report to ensure that:

1033 (i) each local school board candidate that is required to file a summary report has filed
1034 one; and

1035 (ii) each summary report contains the information required by this part.

1036 (b) If it appears that any local school board candidate has failed to file the summary
1037 report required by law, if it appears that a filed summary report does not conform to the law, or

1038 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1039 of any summary report, the county clerk shall, within five days of discovery of a violation or
1040 receipt of a written complaint, notify the local school board candidate of the violation or
1041 written complaint and direct the local school board candidate to file a summary report
1042 correcting the problem.

1043 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1044 summary report within [~~14~~] seven days after receiving notice from the county clerk under this
1045 section.

1046 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1047 class B misdemeanor.

1048 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1049 county attorney.

1050 (iv) In addition to the criminal penalty described in Subsection (3)(c)(ii), the lieutenant
1051 governor shall impose a civil fine of \$100 against a local school board candidate who violates
1052 Subsection (3)(c)(i).

1053 Section 18. Section **20A-11-1503** is amended to read:

1054 **20A-11-1503. Criminal penalties -- Fines.**

1055 (1) Within 30 days after a deadline for the filing of a financial statement required by
1056 this part, the lieutenant governor shall review each filed financial statement to ensure that:

1057 (a) each labor organization that is required to file a financial statement has filed one;
1058 and

1059 (b) each financial statement contains the information required by this part.

1060 (2) If it appears that any labor organization has failed to file a financial statement, if it
1061 appears that a filed financial statement does not conform to the law, or if the lieutenant
1062 governor has received a written complaint alleging a violation of the law or the falsity of a
1063 financial statement, the lieutenant governor shall:

1064 (a) impose a fine against the labor organization in accordance with Section
1065 20A-11-1005; and

1066 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1067 the labor organization of the violation or written complaint and direct the labor organization to
1068 file a financial statement correcting the problem.

1069 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial
1070 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this
1071 section.

1072 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
1073 misdemeanor.

1074 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1075 attorney general.

1076 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1077 governor shall impose a civil fine of \$1,000 against a labor organization that violates
1078 Subsection (3)(a).