

Representative Robert M. Spendlove proposes the following substitute bill:

CAMPAIGN CONTRIBUTIONS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends campaign finance provisions related to anonymous contributions, in the form of cash or a negotiable instrument, and aggregate reporting of those contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ requires a candidate to disburse an anonymous contribution or public service assistance to:
 - the state or a political subdivision for deposit into its general fund; or
 - an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- ▶ prohibits a filing entity from using an anonymous contribution for a political purpose or as a political issues expenditure;
- ▶ prohibits aggregate reporting of contributions that are less than \$50; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

31 **17-16-6.5**, as last amended by Laws of Utah 2014, Chapter 337

32 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

33 **20A-11-201**, as last amended by Laws of Utah 2014, Chapter 335

34 **20A-11-203**, as last amended by Laws of Utah 2011, Chapter 347

35 **20A-11-204**, as last amended by Laws of Utah 2013, Chapters 170 and 420

36 **20A-11-301**, as last amended by Laws of Utah 2014, Chapter 335

37 **20A-11-302**, as last amended by Laws of Utah 2011, Chapter 347

38 **20A-11-303**, as last amended by Laws of Utah 2013, Chapters 170 and 420

39 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

40 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

41 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225

42 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389

43 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396

44 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396

45 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420

46 **20A-11-701**, as last amended by Laws of Utah 2013, Chapters 318 and 420

47 **20A-11-702**, as last amended by Laws of Utah 2013, Chapters 318 and 420

48 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420

49 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

50 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

51 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337

52 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166

53 **20A-12-303**, as last amended by Laws of Utah 2014, Chapter 335

54 **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389

55 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396

56

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

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

59 **10-3-208. Campaign finance disclosure in municipal election.**

60 (1) As used in this section:

61 (a) "Reporting date" means:

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

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

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

65 30 days after a municipal primary or general election.

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

67 (i) \$50; or

68 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

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

70 (A) shall deposit a campaign contribution in a separate campaign account in a financial

71 institution; and

72 (B) may not deposit or mingle any campaign contributions received into a personal or

73 business account.

74 (ii) Each candidate for municipal office who is not eliminated at a municipal primary

75 election shall file with the municipal clerk or recorder a campaign finance statement:

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

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

78 (iii) Each candidate for municipal office who is eliminated at a municipal primary

79 election shall file with the municipal clerk or recorder a campaign finance statement no later

80 than 30 days after the date of the municipal primary election.

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

82 (i) except as provided in Subsection (2)(b)(ii):

83 (A) report all of the candidate's itemized and total:

84 (I) campaign contributions, including in-kind and other nonmonetary contributions,

85 received before the close of the reporting date; and

86 (II) campaign expenditures made through the close of the reporting date; and

87 (B) identify:

88 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
89 and the name of the donor, if known;

90 (II) the aggregate total of all contributions that individually do not exceed the reporting
91 limit; and

92 (III) for each campaign expenditure, the amount of the expenditure and the name of the
93 recipient of the expenditure; or

94 (ii) report the total amount of all campaign contributions and expenditures if the
95 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
96 candidate's campaign.

97 (c) Within 30 days after receiving a contribution, in the form of cash or a negotiable
98 instrument, that is from a donor whose name is unknown, a candidate shall disburse the amount
99 of the contribution to:

100 (i) the treasurer of the state or a political subdivision for deposit into the state's or
101 political subdivision's general fund; or

102 (ii) an organization that is exempt from federal income taxation under Section
103 501(c)(3), Internal Revenue Code.

104 (3) (a) As used in this Subsection (3), "account" means an account in a financial
105 institution:

106 (i) that is not described in Subsection (2)(a)(i)(A); and

107 (ii) into which or from which a person who, as a candidate for an office, other than a
108 municipal office for which the person files a declaration of candidacy or federal office, or as a
109 holder of an office, other than a municipal office for which the person files a declaration of
110 candidacy or federal office, deposits a contribution or makes an expenditure.

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

113 (i) a contribution deposited in an account:

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

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

116 (ii) an expenditure made from an account:

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

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

- 119 (4) (a) A municipality may, by ordinance:
- 120 (i) provide a reporting limit lower than \$50;
- 121 (ii) require greater disclosure of campaign contributions and expenditures than is
- 122 required in this section; and
- 123 (iii) impose additional penalties on candidates who fail to comply with the applicable
- 124 requirements beyond those imposed by this section.
- 125 (b) A candidate for municipal office is subject to the provisions of this section and not
- 126 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:
- 127 (i) the municipal ordinance establishes requirements or penalties that differ from those
- 128 established in this section; and
- 129 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
- 130 ordinance as required in Subsection (5).
- 131 (5) Each municipal clerk or recorder shall, at the time the candidate for municipal
- 132 office files a declaration of candidacy, and again 14 days before each municipal general
- 133 election, notify the candidate in writing of:
- 134 (a) the provisions of statute or municipal ordinance governing the disclosure of
- 135 campaign contributions and expenditures;
- 136 (b) the dates when the candidate's campaign finance statement is required to be filed;
- 137 and
- 138 (c) the penalties that apply for failure to file a timely campaign finance statement,
- 139 including the statutory provision that requires removal of the candidate's name from the ballot
- 140 for failure to file the required campaign finance statement when required.
- 141 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
- 142 Access and Management Act, the municipal clerk or recorder shall:
- 143 (a) make each campaign finance statement filed by a candidate available for public
- 144 inspection and copying no later than one business day after the statement is filed; and
- 145 (b) make the campaign finance statement filed by a candidate available for public
- 146 inspection by:
- 147 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
- 148 website no later than seven business days after the statement is filed; and
- 149 (B) verifying that the address of the municipality's website has been provided to the

150 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

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

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

157 (i) shall:

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

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

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

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

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

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

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

172 (9) (a) A private party in interest may bring a civil action in district court to enforce the
173 provisions of this section or an ordinance adopted under this section.

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

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

177 **17-16-6.5. Campaign financial disclosure in county elections.**

178 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
179 requirements for:

180 (i) candidates for county office; and

- 181 (ii) candidates for local school board office who reside in that county.
- 182 (b) The ordinance required by Subsection (1)(a) shall include:
- 183 (i) a requirement that each candidate for county office or local school board office
- 184 report the candidate's itemized and total campaign contributions and expenditures at least once
- 185 within the two weeks before the election and at least once within two months after the election;
- 186 (ii) a definition of "contribution" and "expenditure" that requires reporting of
- 187 nonmonetary contributions such as in-kind contributions and contributions of tangible things;
- 188 (iii) a requirement that the financial reports identify:
- 189 (A) for each contribution of more than \$50, the name of the donor of the contribution,
- 190 if known, and the amount of the contribution; and
- 191 (B) for each expenditure, the name of the recipient and the amount of the expenditure;
- 192 (iv) a requirement that a candidate for county office or local school board office
- 193 deposit a contribution in a separate campaign account in a financial institution; [~~and~~]
- 194 (v) a prohibition against a candidate for county office or local school board office
- 195 depositing or mingling any contributions received into a personal or business account[-]; and
- 196 (vi) a requirement that a candidate for county office who receives a contribution, in the
- 197 form of cash or a negotiable instrument, that is from a donor whose name is unknown, shall,
- 198 within 30 days after receiving the contribution, disburse the amount of the contribution to:
- 199 (A) the treasurer of the state or a political subdivision for deposit into the state's or
- 200 political subdivision's general fund; or
- 201 (B) an organization that is exempt from federal income taxation under Section
- 202 501(c)(3), Internal Revenue Code.
- 203 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
- 204 institution:
- 205 (A) that is not described in Subsection (1)(b)(iv); and
- 206 (B) into which or from which a person who, as a candidate for an office, other than a
- 207 county office for which the person files a declaration of candidacy or federal office, or as a
- 208 holder of an office, other than a county office for which the person files a declaration of
- 209 candidacy or federal office, deposits a contribution or makes an expenditure.
- 210 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
- 211 candidate for county office or local school board office include on a financial report filed in

212 accordance with the ordinance a contribution deposited in or an expenditure made from an
213 account:

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

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

216 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
217 Subsection (1), candidates for county office, other than community council office, and
218 candidates for local school board office shall comply with the financial reporting requirements
219 contained in Subsections (3) through ~~(7)~~ (8).

220 (3) A candidate for elective office in a county or local school board office:

221 (a) shall deposit a contribution in a separate campaign account in a financial institution;
222 and

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

225 (4) Each candidate for elective office in any county who is not required to submit a
226 campaign financial statement to the lieutenant governor, and each candidate for local school
227 board office, shall file a signed campaign financial statement with the county clerk:

228 (a) seven days before the date of the regular general election, reporting each
229 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
230 general election; and

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

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

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

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

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

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

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

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

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

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

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

249 (ii) into which or from which a person who, as a candidate for an office, other than a
250 county office for which the person filed a declaration of candidacy or federal office, or as a
251 holder of an office, other than a county office for which the person filed a declaration of
252 candidacy or federal office, deposits a contribution or makes an expenditure.

253 (b) A county office candidate and a local school board office candidate shall include on
254 any campaign financial statement filed in accordance with Subsection (4) or (5):

255 (i) a contribution deposited in an account:

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

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

258 (ii) an expenditure made from an account:

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

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

261 (7) Within 30 days after receiving a contribution, in the form of cash or a negotiable
262 instrument, that is from a donor whose name is unknown, a county office candidate shall
263 disburse the amount of the contribution to:

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

266 (b) an organization that is exempt from federal income taxation under Section
267 501(c)(3), Internal Revenue Code.

268 [~~7~~] (8) Candidates for elective office in any county, and candidates for local school
269 board office, who are eliminated at a primary election shall file a signed campaign financial
270 statement containing the information required by this section not later than 30 days after the
271 primary election.

272 [~~8~~] (9) Any person who fails to comply with this section is guilty of an infraction.

273 [~~9~~] (10) (a) Counties may, by ordinance, enact requirements that:

274 (i) require greater disclosure of campaign contributions and expenditures; and
275 (ii) impose additional penalties.

276 (b) The requirements described in Subsection [~~(9)~~] (10)(a) apply to a local school
277 board office candidate who resides in that county.

278 [~~(10)~~] (11) (a) If a candidate fails to file an interim report due before the election, the
279 county clerk shall, after making a reasonable attempt to discover if the report was timely
280 mailed, inform the appropriate election officials who:

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

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

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

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

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

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

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

294 (c) A report is considered filed if:

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

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

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

301 [~~(11)~~] (12) (a) Any private party in interest may bring a civil action in district court to
302 enforce the provisions of this section or any ordinance adopted under this section.

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

305 [~~(12)~~] (13) Notwithstanding any provision of Title 63G, Chapter 2, Government
306 Records Access and Management Act, the county clerk shall:

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

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

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

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

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

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

319 **20A-11-101. Definitions.**

320 As used in this chapter:

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

323 (2) "Agent of a reporting entity" means:

324 (a) a person acting on behalf of a reporting entity at the direction of the reporting
325 entity;

326 (b) a person employed by a reporting entity in the reporting entity's capacity as a
327 reporting entity;

328 (c) the personal campaign committee of a candidate or officeholder;

329 (d) a member of the personal campaign committee of a candidate or officeholder in the
330 member's capacity as a member of the personal campaign committee of the candidate or
331 officeholder; or

332 (e) a political consultant of a reporting entity.

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

- 336 (4) "Candidate" means any person who:
337 (a) files a declaration of candidacy for a public office; or
338 (b) receives contributions, makes expenditures, or gives consent for any other person to
339 receive contributions or make expenditures to bring about the person's nomination or election
340 to a public office.
- 341 (5) "Chief election officer" means:
342 (a) the lieutenant governor for state office candidates, legislative office candidates,
343 officeholders, political parties, political action committees, corporations, political issues
344 committees, state school board candidates, judges, and labor organizations, as defined in
345 Section [20A-11-1501](#); and
346 (b) the county clerk for local school board candidates.
- 347 (6) (a) "Contribution" means any of the following when done for political purposes:
348 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
349 value given to the filing entity;
350 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
351 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
352 anything of value to the filing entity;
353 (iii) any transfer of funds from another reporting entity to the filing entity;
354 (iv) compensation paid by any person or reporting entity other than the filing entity for
355 personal services provided without charge to the filing entity;
356 (v) remuneration from:
357 (A) any organization or its directly affiliated organization that has a registered lobbyist;
358 or
359 (B) any agency or subdivision of the state, including school districts;
360 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
361 (vii) in-kind contributions.
- 362 (b) "Contribution" does not include:
363 (i) services provided by individuals volunteering a portion or all of their time on behalf
364 of the filing entity if the services are provided without compensation by the filing entity or any
365 other person;
366 (ii) money lent to the filing entity by a financial institution in the ordinary course of

367 business; or

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

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

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

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

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

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

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

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

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

385 (b) "Corporation" does not mean:

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

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

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

391 (10) "County political party officer" means a person whose name is required to be
392 submitted by a county political party to the lieutenant governor in accordance with Section
393 [20A-8-402](#).

394 (11) "Detailed listing" means:

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

396 (i) the name and address of the individual or source making the contribution or public
397 service assistance, except to the extent that the name or address of the individual or source is

398 unknown;

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

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

401 (b) for each expenditure:

402 (i) the amount of the expenditure;

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

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

405 (iv) the date the expenditure was made.

406 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
407 for membership in the corporation, to a corporation without receiving full and adequate
408 consideration for the money.

409 (b) "Donor" does not include a person that signs a statement that the corporation may
410 not use the money for an expenditure or political issues expenditure.

411 (13) "Election" means each:

412 (a) regular general election;

413 (b) regular primary election; and

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

415 (14) "Electioneering communication" means a communication that:

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

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

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

421 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
422 agent of a reporting entity on behalf of the reporting entity:

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

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

427 (iii) an express, legally enforceable contract, promise, or agreement to make any
428 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

429 value for political purposes;

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

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

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

436 (b) "Expenditure" does not include:

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

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

441 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
442 candidates for office or officeholders in states other than Utah.

443 (16) "Federal office" means the office of president of the United States, United States
444 Senator, or United States Representative.

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

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

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

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

456 (21) "Incorporation election" means the election authorized by Section 10-2-111 or
457 10-2-127.

458 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or
459 10-2-125.

460 (23) "Individual" means a natural person.

461 (24) "In-kind contribution" means anything of value, other than money, that is accepted
462 by or coordinated with a filing entity.

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

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

468 (27) "Legislative office candidate" means a person who:

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

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

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

476 (28) "Major political party" means either of the two registered political parties that
477 have the greatest number of members elected to the two houses of the Legislature.

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

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

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

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

486 (33) "Personal use expenditure" has the same meaning as provided under Section
487 [20A-11-104](#).

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

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

491 purposes; or

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

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

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

498 (i) a party committee;

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

501 (iii) an individual;

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

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

506 (vi) a personal campaign committee.

507 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
508 by another person on behalf of and with the knowledge of the reporting entity, to provide
509 political advice to the reporting entity.

510 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
511 where the person:

512 (i) has already been paid, with money or other consideration;

513 (ii) expects to be paid in the future, with money or other consideration; or

514 (iii) understands that the person may, in the discretion of the reporting entity or another
515 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
516 money or other consideration.

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

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

521 (i) solicit or receive donations from any other person, group, or entity to assist in

522 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
523 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

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

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

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

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

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

533 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

552 (ii) money lent to a political issues committee by a financial institution in the ordinary

553 course of business.

554 (39) (a) "Political issues expenditure" means any of the following when made by a
555 political issues committee or on behalf of a political issues committee by an agent of the
556 reporting entity:

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

559 (A) a ballot proposition; or

560 (B) an incorporation petition or incorporation election;

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

563 (A) a ballot proposition; or

564 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

580 (41) (a) "Poll" means the survey of a person regarding the person's opinion or
581 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
582 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
583 person or by telephone, facsimile, Internet, postal mail, or email.

584 (b) "Poll" does not include:

585 (i) a ballot; or

586 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

587 (A) the focus group consists of more than three, and less than thirteen, individuals; and

588 (B) all individuals in the focus group are present during the interview.

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

590 laws.

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

595 ~~[(45)]~~ (44) "Publicly identified class of individuals" means a group of 50 or more
596 individuals sharing a common occupation, interest, or association that contribute to a political
597 action committee or political issues committee and whose names can be obtained by contacting
598 the political action committee or political issues committee upon whose financial statement the
599 individuals are listed.

600 ~~[(44)]~~ (45) (a) "Public service assistance" means the following when given or provided
601 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
602 communicate with the officeholder's constituents:

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

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

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

608 (i) anything provided by the state;

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

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

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

614 (v) any article, story, or other coverage as part of any regular publication of any

615 organization unless substantially all the publication is devoted to information about the
616 officeholder.

617 (46) "Receipts" means contributions and public service assistance.

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

620 (48) "Registered political action committee" means any political action committee that
621 is required by this chapter to file a statement of organization with the Office of the Lieutenant
622 Governor.

623 (49) "Registered political issues committee" means any political issues committee that
624 is required by this chapter to file a statement of organization with the Office of the Lieutenant
625 Governor.

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

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

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

632 (51) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

641 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,
642 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
643 action committee, a political issues committee, a corporation, or a labor organization, as
644 defined in Section [20A-11-1501](#).

645 (53) "School board office" means the office of state school board.

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

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

651 (55) "State office" means the offices of governor, lieutenant governor, attorney general,
652 state auditor, and state treasurer.

653 (56) "State office candidate" means a person who:

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

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

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

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

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

663 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
664 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**
665 **Anonymous contributions.**

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

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

671 (i) a personal use expenditure; or

672 (ii) an expenditure prohibited by law.

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

675 (3) If a person who is no longer a state office candidate chooses not to expend the
676 money remaining in a campaign account, the person shall continue to file the year-end

677 summary report required by Section 20A-11-203 until the statement of dissolution and final
678 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

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

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

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

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

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

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

694 (b) Each state office candidate shall report to the lieutenant governor each contribution
695 and public service assistance received by the state office candidate:

696 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
697 the contribution or public service assistance is received; or

698 (ii) within three business days after the day on which the contribution or public service
699 assistance is received, if:

700 (A) the state office candidate is contested in a convention and the contribution or
701 public service assistance is received within 30 days before the day on which the convention is
702 held;

703 (B) the state office candidate is contested in a primary election and the contribution or
704 public service assistance is received within 30 days before the day on which the primary
705 election is held; or

706 (C) the state office candidate is contested in a general election and the contribution or
707 public service assistance is received within 30 days before the day on which the general

708 election is held.

709 (c) Except as provided in Subsection (5)(d), for each contribution or provision of
710 public service assistance that a state office candidate fails to report within the time period
711 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state
712 office candidate in an amount equal to:

- 713 (i) the greater of \$50 or 15% of the amount of the contribution; or
- 714 (ii) the greater of \$50 or 15% of the value of the public service assistance.

715 (d) A fine described in Subsection (5)(c) may not exceed the amount of the
716 contribution or the value of the public service assistance to which the fine relates.

717 (e) The lieutenant governor shall:

- 718 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 719 (ii) report on the lieutenant governor's website, in the location where reports relating to
720 each state office candidate are available for public access:

- 721 (A) each fine imposed by the lieutenant governor against the state office candidate;
- 722 (B) the amount of the fine;
- 723 (C) the amount of the contribution to which the fine relates; and
- 724 (D) the date of the contribution.

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

- 727 (i) that is not described in Subsection (1)(a); and
- 728 (ii) into which or from which a person who, as a candidate for an office, other than the
729 state office for which the person files a declaration of candidacy or federal office, or as a holder
730 of an office, other than a state office for which the person files a declaration of candidacy or
731 federal office, deposits a contribution or makes an expenditure.

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

- 734 (i) a contribution deposited in an account:
 - 735 (A) since the last campaign finance statement was filed; or
 - 736 (B) that has not been reported under a statute or ordinance that governs the account; or
- 737 (ii) an expenditure made from an account:
 - 738 (A) since the last campaign finance statement was filed; or

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

740 (7) Within 30 days after receiving a contribution, in the form of cash or a negotiable
741 instrument, that is from an unknown source, a state office candidate shall disburse the amount
742 of the contribution to:

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

745 (b) an organization that is exempt from federal income taxation under Section
746 501(c)(3), Internal Revenue Code.

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

748 **20A-11-203. State office candidate -- Financial reporting requirements --**
749 **Year-end summary report.**

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

752 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
753 that has not filed the statement of dissolution and final summary report required under Section
754 **20A-11-205** shall continue to file a summary report on January 10 of each year.

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

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

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

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

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

764 (v) for each nonmonetary contribution:

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

767 (B) a specific description of the contribution;

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

770 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
771 (viii) a net balance for the year consisting of the net balance from the last summary
772 report, if any, plus all receipts minus all expenditures; and

773 (ix) the name of a political action committee for which the state office candidate is
774 designated as an officer who has primary decision-making authority under Section
775 [20A-11-601](#).

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

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

780 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
781 December 31 of the previous year.

782 ~~[(d)]~~ (c) A check or negotiable instrument received by a state office candidate or a state
783 office candidate's personal campaign committee on or before December 31 of the previous year
784 shall be included in the summary report.

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

790 Section 6. Section [20A-11-204](#) is amended to read:

791 **[20A-11-204. State office candidate and state office holder -- Financial reporting](#)**
792 **[requirements -- Interim reports.](#)**

793 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
794 account required under Subsection [20A-11-201](#)(1)(a).

795 (b) Except as provided in Subsection (1)(c), each state office candidate shall file an
796 interim report at the following times in any year in which the candidate has filed a declaration
797 of candidacy for a public office:

- 798 (i) seven days before the candidate's political convention;
- 799 (ii) seven days before the regular primary election date;
- 800 (iii) August 31; and

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

802 (c) If a state office candidate is a state office candidate seeking appointment for a
803 midterm vacancy, the state office candidate:

804 (i) shall file an interim report:

805 (A) no later than seven days before the day on which the political party of the party for
806 which the state office candidate seeks nomination meets to declare a nominee for the governor
807 to appoint in accordance with Section 20A-1-504; or

808 (B) if a state office candidate decides to seek the appointment with less than seven days
809 before the party meets, or the political party schedules the meeting to declare a nominee less
810 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business
811 before the day on which the party meets; and

812 (ii) is not required to file an interim report at the times described in Subsection (1)(b).

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

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

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

819 (iii) August 31; and

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

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

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

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

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

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

829 (e) for each nonmonetary contribution:

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

- 832 (ii) a specific description of the contribution;
- 833 (f) a detailed listing of each expenditure made since the last summary report that has
834 not been reported in detail on a prior interim report;
- 835 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 836 (h) a net balance for the year consisting of the net balance from the last summary
837 report, if any, plus all receipts since the last summary report minus all expenditures since the
838 last summary report;
- 839 (i) a summary page in the form required by the lieutenant governor that identifies:
- 840 (i) beginning balance;
- 841 (ii) total contributions during the period since the last statement;
- 842 (iii) total contributions to date;
- 843 (iv) total expenditures during the period since the last statement; and
- 844 (v) total expenditures to date; and
- 845 (j) the name of a political action committee for which the state office candidate or state
846 office holder is designated as an officer who has primary decision-making authority under
847 Section 20A-11-601.

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

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

852 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
853 reported as of five days before the required filing date of the report.

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

857 Section 7. Section 20A-11-301 is amended to read:

858 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
859 **Candidate as a political action committee officer -- No personal use -- Contribution**
860 **reporting deadline -- Report other accounts -- Anonymous contributions.**

861 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public
862 service assistance received in one or more separate accounts in a financial institution that are

863 dedicated only to that purpose.

864 (ii) A legislative office candidate may:

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

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

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

871 (i) a personal use expenditure; or

872 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

894 (b) Each legislative office candidate shall report to the lieutenant governor each
895 contribution and public service assistance received by the legislative office candidate:

896 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
897 the contribution or public service assistance is received; or

898 (ii) within three business days after the day on which the contribution or public service
899 assistance is received, if:

900 (A) the legislative office candidate is contested in a convention and the contribution or
901 public service assistance is received within 30 days before the day on which the convention is
902 held;

903 (B) the legislative office candidate is contested in a primary election and the
904 contribution or public service assistance is received within 30 days before the day on which the
905 primary election is held; or

906 (C) the legislative office candidate is contested in a general election and the
907 contribution or public service assistance is received within 30 days before the day on which the
908 general election is held.

909 (c) Except as provided in Subsection (5)(d), for each contribution or provision of
910 public service assistance that a legislative office candidate fails to report within the time period
911 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the
912 legislative office candidate in an amount equal to:

913 (i) the greater of \$50 or 15% of the amount of the contribution; or

914 (ii) the greater of \$50 or 15% of the value of the public service assistance.

915 (d) A fine described in Subsection (5)(c) may not exceed the amount of the
916 contribution or the value of the public service assistance to which the fine relates.

917 (e) The lieutenant governor shall:

918 (i) deposit money received under Subsection (5)(c) into the General Fund; and

919 (ii) report on the lieutenant governor's website, in the location where reports relating to
920 each legislative office candidate are available for public access:

921 (A) each fine imposed by the lieutenant governor against the legislative office
922 candidate;

923 (B) the amount of the fine;

924 (C) the amount of the contribution to which the fine relates; and

925 (D) the date of the contribution.

926 (6) Within 30 days after receiving a contribution, in the form of cash or a negotiable
927 instrument, that is from an unknown source, a legislative office candidate shall disburse the
928 amount of the contribution to:

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

931 (b) an organization that is exempt from federal income taxation under Section
932 501(c)(3), Internal Revenue Code.

933 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a
934 financial institution:

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

936 (ii) into which or from which a person who, as a candidate for an office, other than a
937 legislative office for which the person files a declaration of candidacy or federal office, or as a
938 holder of an office, other than a legislative office for which the person files a declaration of
939 candidacy or federal office, deposits a contribution or makes an expenditure.

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

942 (i) a contribution deposited in an account:

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

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

945 (ii) an expenditure made from an account:

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

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

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

949 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
950 **Year-end summary report.**

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

953 (b) In addition to the requirements of Subsection (1)(a), a former legislative office
954 candidate that has not filed the statement of dissolution and final summary report required
955 under Section **20A-11-304** shall continue to file a summary report on January 10 of each year.

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

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

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

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

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

965 (v) for each nonmonetary contribution:

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

968 (B) a specific description of the contribution;

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

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

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

974 (ix) the name of a political action committee for which the legislative office candidate
975 is designated as an officer who has primary decision-making authority under Section
976 [20A-11-601](#).

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

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

981 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
982 December 31 of the previous year.

983 [~~(d)~~] (c) A check or negotiable instrument received by a legislative office candidate on
984 or before December 31 of the previous year shall be included in the summary report.

985 (3) The legislative office candidate shall certify in the summary report that to the best
986 of the candidate's knowledge, all receipts and all expenditures have been reported as of

987 December 31 of the previous year and that there are no bills or obligations outstanding and
988 unpaid except as set forth in that report.

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

990 **20A-11-303. Legislative office candidate and legislative office holder -- Financial**
991 **reporting requirements -- Interim reports.**

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

994 (b) Except as provided in Subsection (1)(d), each legislative office candidate shall file
995 an interim report at the following times in any year in which the candidate has filed a
996 declaration of candidacy for a public office:

997 (i) seven days before the candidate's political convention;

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

999 (iii) August 31; and

1000 (iv) seven days before the regular general election date.

1001 (c) Each legislative office holder who has a campaign account that has not been
1002 dissolved under Section **20A-11-304** shall, in an even year, file an interim report at the
1003 following times, regardless of whether an election for the legislative office holder's office is
1004 held that year:

1005 (i) seven days before the political convention for the political party of the legislative
1006 office holder;

1007 (ii) seven days before the regular primary election date for that year;

1008 (iii) August 31; and

1009 (iv) seven days before the regular general election date.

1010 (d) If a legislative office candidate is a legislative office candidate seeking appointment
1011 for a midterm vacancy, the legislative office candidate:

1012 (i) shall file an interim report:

1013 (A) no later than seven days before the day on which the political party of the party for
1014 which the legislative office candidate seeks nomination meets to declare a nominee for the
1015 governor to appoint in accordance with Section **20A-1-503**; or

1016 (B) if a legislative office candidate decides to seek the appointment with less than
1017 seven days before the party meets, or the political party schedules the meeting to declare a

1018 nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day
1019 of business before the day on which the party meets; and

1020 (ii) is not required to file an interim report at the times described in Subsection (1)(b).

1021 (2) Each interim report shall include the following information:

1022 (a) the net balance of the last summary report, if any;

1023 (b) a single figure equal to the total amount of receipts reported on all prior interim
1024 reports, if any, during the calendar year in which the interim report is due;

1025 (c) a single figure equal to the total amount of expenditures reported on all prior
1026 interim reports, if any, filed during the calendar year in which the interim report is due;

1027 (d) a detailed listing of each contribution and public service assistance received since
1028 the last summary report that has not been reported in detail on a prior interim report;

1029 (e) for each nonmonetary contribution:

1030 (i) the fair market value of the contribution with that information provided by the
1031 contributor; and

1032 (ii) a specific description of the contribution;

1033 (f) a detailed listing of each expenditure made since the last summary report that has
1034 not been reported in detail on a prior interim report;

1035 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1036 (h) a net balance for the year consisting of the net balance from the last summary
1037 report, if any, plus all receipts since the last summary report minus all expenditures since the
1038 last summary report;

1039 (i) a summary page in the form required by the lieutenant governor that identifies:

1040 (i) beginning balance;

1041 (ii) total contributions during the period since the last statement;

1042 (iii) total contributions to date;

1043 (iv) total expenditures during the period since the last statement; and

1044 (v) total expenditures to date; and

1045 (j) the name of a political action committee for which the legislative office candidate or
1046 legislative office holder is designated as an officer who has primary decision-making authority
1047 under Section [20A-11-601](#).

1048 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~

1049 ~~single aggregate figure may be reported without separate detailed listings.]~~

1050 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1051 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1052 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
1053 reported as of five days before the required filing date of the report.

1054 (b) Any negotiable instrument or check received by a legislative office candidate or
1055 legislative office holder more than five days before the required filing date of a report required
1056 by this section shall be included in the interim report.

1057 Section 10. Section **20A-11-401** is amended to read:

1058 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
1059 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
1060 **or public service assistance.**

1061 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

1062 (b) An officeholder that is required to file a summary report both as an officeholder and
1063 as a candidate for office under the requirements of this chapter may file a single summary
1064 report as a candidate and an officeholder, provided that the combined report meets the
1065 requirements of:

1066 (i) this section; and

1067 (ii) the section that provides the requirements for the summary report filed by the
1068 officeholder in the officeholder's capacity of a candidate for office.

1069 (2) (a) Each summary report shall include the following information as of December 31
1070 of the previous year:

1071 (i) the net balance of the last summary report, if any;

1072 (ii) a single figure equal to the total amount of receipts received since the last summary
1073 report, if any;

1074 (iii) a single figure equal to the total amount of expenditures made since the last
1075 summary report, if any;

1076 (iv) a detailed listing of each contribution and public service assistance received since
1077 the last summary report;

1078 (v) for each nonmonetary contribution:

1079 (A) the fair market value of the contribution with that information provided by the

1080 contributor; and

1081 (B) a specific description of the contribution;

1082 (vi) a detailed listing of each expenditure made since the last summary report;

1083 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1084 (viii) a net balance for the year consisting of the net balance from the last summary
1085 report plus all receipts minus all expenditures; and

1086 (ix) the name of a political action committee for which the officeholder is designated
1087 as an officer who has primary decision-making authority under Section 20A-11-601.

1088 ~~[(b)(i) For all individual contributions or public service assistance of \$50 or less, a
1089 single aggregate figure may be reported without separate detailed listings.]~~

1090 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
1091 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1092 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
1093 December 31 of the previous year.

1094 (3) The summary report shall contain a paragraph signed by the officeholder certifying
1095 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
1096 reported as of December 31 of the last calendar year and that there are no bills or obligations
1097 outstanding and unpaid except as set forth in that report.

1098 (4) An officeholder may:

1099 (a) receive public service assistance from a political action committee registered under
1100 Section 20A-11-601; and

1101 (b) be designated by a political action committee as an officer who has primary
1102 decision-making authority as described in Section 20A-11-601.

1103 (5) Within 30 days after receiving a contribution or public service assistance, in the
1104 form of cash or a negotiable instrument, that is from an unknown source, an officeholder shall
1105 disburse the amount of the contribution or public service assistance to:

1106 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1107 political subdivision's general fund; or

1108 (b) an organization that is exempt from federal income taxation under Section
1109 501(c)(3), Internal Revenue Code.

1110 Section 11. Section 20A-11-505.7 is amended to read:

1111 **20A-11-505.7. Separate account for contributions for registered political party --**
1112 **Anonymous contributions to registered political party or county political party.**

1113 (1) A registered political party shall deposit a contribution received in one or more
1114 separate campaign accounts in a financial institution.

1115 (2) A registered political party may not deposit or mingle a contribution received into a
1116 personal or business account.

1117 (3) A registered political party or county political party may not expend a contribution
1118 for political purposes or a political issues expenditure if the contribution is cash or a negotiable
1119 instrument received from an unknown source.

1120 Section 12. Section **20A-11-506** is amended to read:

1121 **20A-11-506. Political party financial reporting requirements -- Year-end**
1122 **summary report.**

1123 (1) The party committee of each registered political party shall file a summary report by
1124 January 10 of each year.

1125 (2) (a) Each summary report shall include the following information as of December 31
1126 of the previous year:

1127 (i) the net balance of the last summary report, if any;

1128 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1129 if any, during the previous year;

1130 (iii) a single figure equal to the total amount of expenditures reported on all interim
1131 reports, if any, filed during the previous year;

1132 (iv) a detailed listing of each contribution and public service assistance received since
1133 the last summary report that has not been reported in detail on an interim report;

1134 (v) for each nonmonetary contribution, the fair market value of the contribution;

1135 (vi) a detailed listing of each expenditure made since the last summary report that has
1136 not been reported in detail on an interim report;

1137 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1138 (viii) a net balance for the year consisting of the net balance from the last summary
1139 report, if any, plus all receipts minus all expenditures.

1140 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a~~
1141 ~~single aggregate figure may be reported without separate detailed listings.]~~

1142 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
1143 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1144 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
1145 December 31 of the previous year.

1146 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1147 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1148 expenditures have been reported as of December 31 of the previous year and that there are no
1149 bills or obligations outstanding and unpaid except as set forth in that report.

1150 Section 13. Section **20A-11-507** is amended to read:

1151 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

1152 (1) The party committee of each registered political party shall file an interim report at
1153 the following times in any year in which there is a regular general election:

1154 (a) seven days before the registered political party's political convention;

1155 (b) seven days before the regular primary election date;

1156 (c) August 31; and

1157 (d) seven days before the general election date.

1158 (2) Each interim report shall include the following information:

1159 (a) the net balance of the last financial statement, if any;

1160 (b) a single figure equal to the total amount of receipts reported on all prior interim
1161 reports, if any, during the calendar year in which the interim report is due;

1162 (c) a single figure equal to the total amount of expenditures reported on all prior
1163 interim reports, if any, filed during the calendar year in which the interim report is due;

1164 (d) a detailed listing of each contribution and public service assistance received since
1165 the last summary report that has not been reported in detail on a prior interim report;

1166 (e) for each nonmonetary contribution, the fair market value of the contribution;

1167 (f) a detailed listing of each expenditure made since the last summary report that has
1168 not been reported in detail on a prior interim report;

1169 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1170 (h) a net balance for the year consisting of the net balance from the last summary
1171 report, if any, plus all receipts since the last summary report minus all expenditures since the
1172 last summary report; and

- 1173 (i) a summary page in the form required by the lieutenant governor that identifies:
 1174 (i) beginning balance;
 1175 (ii) total contributions during the period since the last statement;
 1176 (iii) total contributions to date;
 1177 (iv) total expenditures during the period since the last statement; and
 1178 (v) total expenditures to date.

1179 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
 1180 ~~single aggregate figure may be reported without separate detailed listings.]~~

1181 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
 1182 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1183 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
 1184 reported as of five days before the required filing date of the report.

1185 Section 14. Section **20A-11-510** is amended to read:

1186 **20A-11-510. County political party financial reporting requirements -- Year-end**
 1187 **summary report.**

1188 (1) A county political party officer of a county political party that has received
 1189 contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a
 1190 calendar year shall file a summary report by January 10 of the following year.

1191 (2) (a) Each summary report shall include the following information as of December 31
 1192 of the previous year:

- 1193 (i) the net balance of the last summary report, if any;
 1194 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
 1195 if any, filed during the previous year;
 1196 (iii) a single figure equal to the total amount of expenditures reported on all interim
 1197 reports, if any, filed during the previous year;
 1198 (iv) a detailed listing of each contribution and public service assistance received since
 1199 the last summary report that has not been reported in detail on an interim report;
 1200 (v) for each nonmonetary contribution, the fair market value of the contribution;
 1201 (vi) a detailed listing of each expenditure made since the last summary report that has
 1202 not been reported in detail on an interim report;
 1203 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1204 (viii) a net balance for the year consisting of the net balance from the last summary
1205 report, if any, plus all receipts minus all expenditures.

1206 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a
1207 single aggregate figure may be reported without separate detailed listings.]~~

1208 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
1209 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1210 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
1211 December 31 of the previous year.

1212 (3) The county political party officer shall certify in the summary report that, to the
1213 best of the officer's knowledge, all receipts and all expenditures have been reported as of
1214 December 31 of the previous year and that there are no bills or obligations outstanding and
1215 unpaid except as set forth in that report.

1216 Section 15. Section **20A-11-511** is amended to read:

1217 **20A-11-511. County political party financial reporting requirements -- Interim**
1218 **reports.**

1219 (1) (a) A county political party officer of a county political party that has received
1220 contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a
1221 calendar year shall file an interim report at the following times in any year in which there is a
1222 regular general election:

1223 (i) seven days before the county political party's convention;

1224 (ii) seven days before the regular primary election date;

1225 (iii) August 31; and

1226 (iv) seven days before the general election date.

1227 (b) A county political party officer need not file an interim report if it received no
1228 contributions or made no expenditures during the reporting period.

1229 (2) Each interim report shall include the following information:

1230 (a) the net balance of the last financial statement, if any;

1231 (b) a single figure equal to the total amount of receipts reported on all prior interim
1232 reports, if any, during the calendar year in which the interim report is due;

1233 (c) a single figure equal to the total amount of expenditures reported on all prior
1234 interim reports, if any, filed during the calendar year in which the interim report is due;

1235 (d) a detailed listing of each contribution and public service assistance received since
1236 the last summary report that has not been reported in detail on a prior interim report;

1237 (e) for each nonmonetary contribution, the fair market value of the contribution;

1238 (f) a detailed listing of each expenditure made since the last summary report that has
1239 not been reported in detail on a prior interim report;

1240 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1241 (h) a net balance for the year consisting of the net balance from the last summary
1242 report, if any, plus all receipts since the last summary report minus all expenditures since the
1243 last summary report; and

1244 (i) a summary page in the form required by the lieutenant governor that identifies:

1245 (i) beginning balance;

1246 (ii) total contributions during the period since the last statement;

1247 (iii) total contributions to date;

1248 (iv) total expenditures during the period since the last statement; and

1249 (v) total expenditures to date.

1250 ~~[(3)(a) For all individual contributions or public service assistance of \$50 or less, a
1251 single aggregate figure may be reported without separate detailed listings.]~~

1252 ~~[(b) Two or more contributions from the same source that have an aggregate total of
1253 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1254 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
1255 reported as of five days before the required filing date of the report.

1256 Section 16. Section **20A-11-602** is amended to read:

1257 **20A-11-602. Political action committees -- Financial reporting.**

1258 (1) (a) Each registered political action committee that has received contributions
1259 totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year
1260 shall file a verified financial statement with the lieutenant governor's office:

1261 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1262 previous year;

1263 (ii) seven days before the state political convention of each major political party;

1264 (iii) seven days before the regular primary election date;

1265 (iv) on August 31; and

1266 (v) seven days before:
1267 (A) the municipal general election; and
1268 (B) the regular general election date.
1269 (b) The registered political action committee shall report:
1270 (i) a detailed listing of all contributions received and expenditures made since the last
1271 statement; and
1272 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1273 contributions and expenditures as of five days before the required filing date of the financial
1274 statement.
1275 (c) The registered political action committee need not file a statement under this
1276 section if it received no contributions and made no expenditures during the reporting period.
1277 (2) ~~(a)~~ The verified financial statement shall include:
1278 ~~(i)~~ (a) the name and address of any individual that makes a contribution to the
1279 reporting political action committee, if known, and the amount of the contribution;
1280 ~~(ii)~~ (b) the identification of any publicly identified class of individuals that makes a
1281 contribution to the reporting political action committee, if known, and the amount of the
1282 contribution;
1283 ~~(iii)~~ (c) the name and address of any political action committee, group, or entity, if
1284 known, that makes a contribution to the reporting political action committee, and the amount of
1285 the contribution;
1286 ~~(iv)~~ (d) for each nonmonetary contribution, the fair market value of the contribution;
1287 ~~(v)~~ (e) the name and address of each reporting entity that received an expenditure
1288 from the reporting political action committee, and the amount of each expenditure;
1289 ~~(vi)~~ (f) for each nonmonetary expenditure, the fair market value of the expenditure;
1290 ~~(vii)~~ (g) the total amount of contributions received and expenditures disbursed by the
1291 reporting political action committee;
1292 ~~(viii)~~ (h) a statement by the political action committee's treasurer or chief financial
1293 officer certifying that, to the best of the person's knowledge, the financial report is accurate;
1294 and
1295 ~~(ix)~~ (i) a summary page in the form required by the lieutenant governor that
1296 identifies:

- 1297 ~~[(A)]~~ (i) beginning balance;
- 1298 ~~[(B)]~~ (ii) total contributions during the period since the last statement;
- 1299 ~~[(C)]~~ (iii) total contributions to date;
- 1300 ~~[(D)]~~ (iv) total expenditures during the period since the last statement; and
- 1301 ~~[(E)]~~ (v) total expenditures to date.

1302 ~~[(b) (i) Contributions received by a political action committee that have a value of \$50~~
 1303 ~~or less need not be reported individually, but shall be listed on the report as an aggregate total.]~~

1304 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
 1305 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1306 (3) A group or entity may not divide or separate into units, sections, or smaller groups
 1307 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
 1308 shall prevail over form in determining the scope or size of a political action committee.

1309 (4) (a) As used in this Subsection (4), "received" means:

1310 (i) for a cash contribution, that the cash is given to a political action committee;

1311 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1312 instrument or check is negotiated; and

1313 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1314 inures to the political action committee.

1315 (b) A political action committee shall report each contribution to the lieutenant
 1316 governor within 30 days after the contribution is received.

1317 (5) A political action committee may not expend a contribution for political purposes if
 1318 the contribution is cash or a negotiable instrument received from an unknown source.

1319 Section 17. Section **20A-11-701** is amended to read:

1320 **20A-11-701. Campaign financial reporting by corporations -- Filing requirements**
 1321 **-- Statement contents -- Donor reporting and notification required.**

1322 (1) (a) Each corporation that has made expenditures for political purposes that total at
 1323 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
 1324 governor's office:

1325 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1326 (ii) seven days before the state political convention for each major political party;

1327 (iii) seven days before the regular primary election date;

- 1328 (iv) on August 31; and
- 1329 (v) seven days before the regular general election date.
- 1330 (b) The corporation shall report:
- 1331 (i) a detailed listing of all expenditures made since the last financial statement;
- 1332 (ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all
- 1333 expenditures as of five days before the required filing date of the financial statement; and
- 1334 (iii) whether the corporation, including an officer of the corporation, director of the
- 1335 corporation, or person with at least 10% ownership in the corporation:
- 1336 (A) has bid since the last financial statement on a contract, as defined in Section
- 1337 63G-6a-103, in excess of \$100,000;
- 1338 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of
- 1339 \$100,000; or
- 1340 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
- 1341 (c) The corporation need not file a financial statement under this section if the
- 1342 corporation made no expenditures during the reporting period.
- 1343 (2) The financial statement shall include:
- 1344 (a) the name and address of each reporting entity that received an expenditure from the
- 1345 corporation, and the amount of each expenditure;
- 1346 (b) the total amount of expenditures disbursed by the corporation:
- 1347 (i) since the last financial statement; and
- 1348 (ii) during the calendar year;
- 1349 (c) (i) a statement that the corporation did not receive any money from any donor
- 1350 during the calendar year or the previous calendar year that the corporation has not reported in a
- 1351 previous financial statement; or
- 1352 (ii) a report, described in Subsection (3), of the money received from donors during the
- 1353 calendar year or the previous calendar year that the corporation has not reported in a previous
- 1354 financial statement; and
- 1355 (d) a statement by the corporation's treasurer or chief financial officer certifying the
- 1356 accuracy of the financial statement.
- 1357 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
- 1358 (i) the name and address of each donor;

- 1359 (ii) the amount of the money received by the corporation from each donor; and
1360 (iii) the date on which the corporation received the money.
- 1361 (b) A corporation shall report money received from donors in the following order:
1362 (i) first, beginning with the least recent date on which the corporation received money
1363 that the corporation has not reported in a previous financial statement, the money received from
1364 a donor that:
- 1365 (A) requests that the corporation use the money to make an expenditure;
1366 (B) gives the money to the corporation in response to a solicitation indicating the
1367 corporation's intent to make an expenditure; or
1368 (C) knows that the corporation may use the money to make an expenditure; and
1369 (ii) second, divide the difference between the total amount of expenditures made since
1370 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)
1371 on a proration basis between all donors that:
- 1372 (A) are not described in Subsection (3)(b)(i);
1373 (B) gave at least \$50 during the calendar year or previous calendar year; and
1374 (C) have not been reported in a previous financial statement.
- 1375 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
1376 expenditures made since the last financial statement, the financial statement shall contain a
1377 statement that the corporation has reported all donors that gave money, and all money received
1378 by donors, during the calendar year or previous calendar year that the corporation has not
1379 reported in a previous financial statement.
- 1380 (d) The corporation shall indicate on the financial statement that the amount attributed
1381 to each donor under Subsection (3)(b)(ii) is only an estimate.
- 1382 ~~[(e) (i) For all individual donations of \$50 or less, the corporation may report a single
1383 aggregate figure without separate detailed listings.]~~
- 1384 ~~[(ii) The corporation:]~~
- 1385 ~~[(A) may not report in the aggregate two or more donations from the same source that
1386 have an aggregate total of more than \$50; and]~~
- 1387 ~~[(B) shall separately report donations described in Subsection (3)(e)(ii)(A).]~~
- 1388 (4) If a corporation makes expenditures that total at least \$750 during a calendar year,
1389 the corporation shall notify a person giving money to the corporation that:

- 1390 (a) the corporation may use the money to make an expenditure; and
- 1391 (b) the person's name and address may be disclosed on the corporation's financial
- 1392 statement.

1393 Section 18. Section **20A-11-702** is amended to read:

1394 **20A-11-702. Campaign financial reporting of political issues expenditures by**
1395 **corporations -- Financial reporting -- Donor reporting and notification required.**

1396 (1) (a) Each corporation that has made political issues expenditures on current or
1397 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
1398 financial statement with the lieutenant governor's office:

- 1399 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 1400 (ii) seven days before the state political convention of each major political party;
- 1401 (iii) seven days before the regular primary election date;
- 1402 (iv) on August 31; and
- 1403 (v) seven days before the regular general election date.

1404 (b) The corporation shall report:

- 1405 (i) a detailed listing of all expenditures made since the last financial statement; and
- 1406 (ii) for financial statements under Subsections (1)(a)(ii) through (v), expenditures as of
1407 five days before the required filing date of the financial statement.

1408 (c) The corporation need not file a statement under this section if it made no
1409 expenditures during the reporting period.

1410 (2) That statement shall include:

1411 (a) the name and address of each individual, entity, or group of individuals or entities
1412 that received a political issues expenditure of more than \$50 from the corporation, and the
1413 amount of each political issues expenditure;

1414 (b) the total amount of political issues expenditures disbursed by the corporation:

1415 (i) since the last financial statement; and

1416 (ii) during the calendar year;

1417 (c) (i) a statement that the corporation did not receive any money from any donor
1418 during the calendar year or the previous calendar year that the corporation has not reported in a
1419 previous financial statement; or

1420 (ii) a report, described in Subsection (3), of the money received from donors during the

1421 calendar year or the previous calendar year that the corporation has not reported in a previous
1422 financial statement; and

1423 (d) a statement by the corporation's treasurer or chief financial officer certifying the
1424 accuracy of the verified financial statement.

1425 (3) (a) The report required by Subsection (2)(c)(ii) shall include:

1426 (i) the name and address of each donor;

1427 (ii) the amount of the money received by the corporation from each donor; and

1428 (iii) the date on which the corporation received the money.

1429 (b) A corporation shall report money received from donors in the following order:

1430 (i) first, beginning with the least recent date on which the corporation received money
1431 that has not been reported in a previous financial statement, the money received from a donor
1432 that:

1433 (A) requests that the corporation use the money to make a political issues expenditure;

1434 (B) gives the money to the corporation in response to a solicitation indicating the
1435 corporation's intent to make a political issues expenditure; or

1436 (C) knows that the corporation may use the money to make a political issues
1437 expenditure; and

1438 (ii) second, divide the difference between the total amount of political issues
1439 expenditures made since the last financial statement and the total amount of money reported
1440 under Subsection (3)(b)(i) on a proration basis between all donors that:

1441 (A) are not described in Subsection (3)(b)(i);

1442 (B) gave at least \$50 during the calendar year or previous calendar year; and

1443 (C) have not been reported in a previous financial statement.

1444 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
1445 political issues expenditures made since the last financial statement, the financial statement
1446 shall contain a statement that the corporation has reported all donors that gave money, and all
1447 money received by donors, during the calendar year or previous calendar year that the
1448 corporation has not reported in a previous financial statement.

1449 (d) The corporation shall indicate on the financial statement that the amount attributed
1450 to each donor under Subsection (3)(b)(ii) is only an estimate.

1451 ~~[(e) (i) For all individual donations of \$50 or less, the corporation may report a single~~

1452 ~~aggregate figure without separate detailed listings.]~~

1453 ~~[(ii) The corporation:]~~

1454 ~~[(A) may not report in the aggregate two or more donations from the same source that~~
1455 ~~have an aggregate total of more than \$50; and]~~

1456 ~~[(B) shall separately report donations described in Subsection (3)(c)(ii)(A).]~~

1457 (4) If a corporation makes political issues expenditures that total at least \$750 during a
1458 calendar year, the corporation shall notify a person giving money to the corporation that:

1459 (a) the corporation may use the money to make a political issues expenditure; and

1460 (b) the person's name and address may be disclosed on the corporation's financial
1461 statement.

1462 Section 19. Section **20A-11-802** is amended to read:

1463 **20A-11-802. Political issues committees -- Financial reporting.**

1464 (1) (a) Each registered political issues committee that has received political issues
1465 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1466 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
1467 governor's office:

1468 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1469 previous year;

1470 (ii) seven days before the state political convention of each major political party;

1471 (iii) seven days before the regular primary election date;

1472 (iv) seven days before the date of an incorporation election, if the political issues
1473 committee has received donations or made disbursements to affect an incorporation;

1474 (v) at least three days before the first public hearing held as required by Section
1475 [20A-7-204.1](#);

1476 (vi) if the political issues committee has received or expended funds in relation to an
1477 initiative or referendum, at the time the initiative or referendum sponsors submit:

1478 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or

1479 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);

1480 (vii) on August 31; and

1481 (viii) seven days before:

1482 (A) the municipal general election; and

- 1483 (B) the regular general election.
- 1484 (b) The political issues committee shall report:
- 1485 (i) a detailed listing of all contributions received and expenditures made since the last
1486 statement; and
- 1487 (ii) all contributions and expenditures as of five days before the required filing date of
1488 the financial statement, except for a financial statement filed on January 10.
- 1489 (c) The political issues committee need not file a statement under this section if it
1490 received no contributions and made no expenditures during the reporting period.
- 1491 (2) (a) That statement shall include:
- 1492 (i) the name and address, if known, of any individual that makes a political issues
1493 contribution to the reporting political issues committee, and the amount of the political issues
1494 contribution;
- 1495 (ii) the identification of any publicly identified class of individuals that makes a
1496 political issues contribution to the reporting political issues committee, and the amount of the
1497 political issues contribution;
- 1498 (iii) the name and address, if known, of any political issues committee, group, or entity
1499 that makes a political issues contribution to the reporting political issues committee, and the
1500 amount of the political issues contribution;
- 1501 (iv) the name and address of each reporting entity that makes a political issues
1502 contribution to the reporting political issues committee, and the amount of the political issues
1503 contribution;
- 1504 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1505 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1506 entity, or group of individuals or entities that received a political issues expenditure of more
1507 than \$50 from the reporting political issues committee, and the amount of each political issues
1508 expenditure;
- 1509 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1510 (viii) the total amount of political issues contributions received and political issues
1511 expenditures disbursed by the reporting political issues committee;
- 1512 (ix) a statement by the political issues committee's treasurer or chief financial officer
1513 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

- 1514 (x) a summary page in the form required by the lieutenant governor that identifies:
- 1515 (A) beginning balance;
- 1516 (B) total contributions during the period since the last statement;
- 1517 (C) total contributions to date;
- 1518 (D) total expenditures during the period since the last statement; and
- 1519 (E) total expenditures to date.

1520 ~~[(b) (i) Political issues contributions received by a political issues committee that have~~
 1521 ~~a value of \$50 or less need not be reported individually, but shall be listed on the report as an~~
 1522 ~~aggregate total.]~~

1523 ~~[(ii) Two or more political issues contributions from the same source that have an~~
 1524 ~~aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported~~
 1525 ~~separately.]~~

1526 ~~[(c)]~~ (b) When reporting political issue expenditures made to circulators of initiative
 1527 petitions, the political issues committee:

- 1528 (i) need only report the amount paid to each initiative petition circulator; and
- 1529 (ii) need not report the name or address of the circulator.

1530 (3) (a) As used in this Subsection (3), "received" means:

- 1531 (i) for a cash contribution, that the cash is given to a political issues committee;
- 1532 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 1533 instrument or check is negotiated; and
- 1534 (iii) for any other type of contribution, that any portion of the contribution's benefit
 1535 inures to the political issues committee.

1536 (b) A political issues committee shall report each contribution to the lieutenant
 1537 governor within 30 days after the contribution is received.

1538 (4) A political issues committee may not expend a contribution for a political issues
 1539 expenditure if the contribution is cash or a negotiable instrument received from an unknown
 1540 source.

1541 Section 20. Section **20A-11-1301** is amended to read:

1542 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
 1543 **Candidate as a political action committee officer -- No personal use -- Contribution**
 1544 **reporting deadline -- Report other accounts -- Anonymous contributions.**

1545 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1546 service assistance received in one or more separate accounts in a financial institution that are
1547 dedicated only to that purpose.

1548 (ii) A school board office candidate may:

1549 (A) receive a contribution or public service assistance from a political action
1550 committee registered under Section 20A-11-601; and

1551 (B) be designated by a political action committee as an officer who has primary
1552 decision-making authority as described in Section 20A-11-601.

1553 (b) A school board office candidate may not use money deposited in an account
1554 described in Subsection (1)(a)(i) for:

1555 (i) a personal use expenditure; or

1556 (ii) an expenditure prohibited by law.

1557 (2) A school board office candidate may not deposit or mingle any contributions or
1558 public service assistance received into a personal or business account.

1559 (3) A school board office candidate may not make any political expenditures prohibited
1560 by law.

1561 (4) If a person who is no longer a school board candidate chooses not to expend the
1562 money remaining in a campaign account, the person shall continue to file the year-end
1563 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1564 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1565 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1566 is no longer a school board candidate may not expend or transfer the money in a campaign
1567 account in a manner that would cause the former school board candidate to recognize the
1568 money as taxable income under federal tax law.

1569 (b) A person who is no longer a school board candidate may transfer the money in a
1570 campaign account in a manner that would cause the former school board candidate to recognize
1571 the money as taxable income under federal tax law if the transfer is made to a campaign
1572 account for federal office.

1573 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1574 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1575 member of the candidate's personal campaign committee;

1576 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1577 instrument or check is negotiated; and

1578 (iii) for any other type of contribution, that any portion of the contribution's benefit
1579 inures to the school board office candidate.

1580 (b) Each school board office candidate shall report to the chief election officer each
1581 contribution and public service assistance received by the school board office candidate:

1582 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
1583 the contribution or public service assistance is received; or

1584 (ii) within three business days after the day on which the contribution or public service
1585 assistance is received, if:

1586 (A) the school board office candidate is contested in a primary election and the
1587 contribution or public service assistance is received within 30 days before the day on which the
1588 primary election is held; or

1589 (B) the school board office candidate is contested in a general election and the
1590 contribution or public service assistance is received within 30 days before the day on which the
1591 general election is held.

1592 (c) Except as provided in Subsection (6)(d), for each contribution or provision of
1593 public service assistance that a school board office candidate fails to report within the time
1594 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
1595 school board office candidate in an amount equal to:

1596 (i) the greater of \$50 or 15% of the amount of the contribution; or

1597 (ii) the greater of \$50 or 15% of the value of the public service assistance.

1598 (d) A fine described in Subsection (6)(c) may not exceed the amount of the
1599 contribution or the value of the public service assistance to which the fine relates.

1600 (e) The chief election officer shall:

1601 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1602 (ii) report on the chief election officer's website, in the location where reports relating
1603 to each school board office candidate are available for public access:

1604 (A) each fine imposed by the chief election officer against the school board office
1605 candidate;

1606 (B) the amount of the fine;

1607 (C) the amount of the contribution to which the fine relates; and

1608 (D) the date of the contribution.

1609 (7) Within 30 days after receiving a contribution, in the form of cash or a negotiable

1610 instrument, that is from an unknown source, a school board office candidate shall disburse the

1611 contribution to:

1612 (a) the treasurer of the state or a political subdivision for deposit into the state's or

1613 political subdivision's general fund; or

1614 (b) an organization that is exempt from federal income taxation under Section

1615 501(c)(3), Internal Revenue Code.

1616 ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "account" means an account in a

1617 financial institution:

1618 (i) that is not described in Subsection (1)(a)(i); and

1619 (ii) into which or from which a person who, as a candidate for an office, other than a

1620 school board office for which the person files a declaration of candidacy or federal office, or as

1621 a holder of an office, other than a school board office for which the person files a declaration of

1622 candidacy or federal office, deposits a contribution or makes an expenditure.

1623 (b) A school board office candidate shall include on any financial statement filed in

1624 accordance with this part:

1625 (i) a contribution deposited in an account:

1626 (A) since the last campaign finance statement was filed; or

1627 (B) that has not been reported under a statute or ordinance that governs the account; or

1628 (ii) an expenditure made from an account:

1629 (A) since the last campaign finance statement was filed; or

1630 (B) that has not been reported under a statute or ordinance that governs the account.

1631 Section 21. Section **20A-11-1302** is amended to read:

1632 **20A-11-1302. School board office candidate -- Financial reporting requirements**

1633 **-- Year-end summary report.**

1634 (1) (a) Each school board office candidate shall file a summary report by January 10 of

1635 the year after the regular general election year.

1636 (b) In addition to the requirements of Subsection (1)(a), a former school board office

1637 candidate that has not filed the statement of dissolution and final summary report required

1638 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1639 (2) (a) Each summary report shall include the following information as of December 31
1640 of the previous year:

1641 (i) the net balance of the last financial statement, if any;

1642 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1643 if any, during the previous year;

1644 (iii) a single figure equal to the total amount of expenditures reported on all interim
1645 reports, if any, filed during the previous year;

1646 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1647 the last summary report that has not been reported in detail on an interim report;

1648 (v) for each nonmonetary contribution:

1649 (A) the fair market value of the contribution with that information provided by the
1650 contributor; and

1651 (B) a specific description of the contribution;

1652 (vi) a detailed listing of each expenditure made since the last summary report that has
1653 not been reported in detail on an interim report;

1654 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1655 (viii) a net balance for the year consisting of the net balance from the last summary
1656 report, if any, plus all receipts minus all expenditures; and

1657 (ix) the name of a political action committee for which the school board office
1658 candidate is designated as an officer who has primary decision-making authority under Section
1659 20A-11-601.

1660 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a~~
1661 ~~single aggregate figure may be reported without separate detailed listings.]~~

1662 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
1663 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1664 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
1665 December 31 of the previous year.

1666 ~~[(d)]~~ (c) A check or negotiable instrument received by a school board office candidate
1667 on or before December 31 of the previous year shall be included in the summary report.

1668 (3) The school board office candidate shall certify in the summary report that, to the

1669 best of the school board office candidate's knowledge, all receipts and all expenditures have
1670 been reported as of December 31 of the previous year and that there are no bills or obligations
1671 outstanding and unpaid except as set forth in that report.

1672 Section 22. Section **20A-11-1303** is amended to read:

1673 **20A-11-1303. School board office candidate and school board office holder --**
1674 **Financial reporting requirements -- Interim reports.**

1675 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
1676 account required under Subsection **20A-11-1301**(1)(a)(i).

1677 (b) Each school board office candidate shall file an interim report at the following
1678 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1679 (i) May 15;

1680 (ii) seven days before the regular primary election date;

1681 (iii) August 31; and

1682 (iv) seven days before the regular general election date.

1683 (c) Each school board office holder who has a campaign account that has not been
1684 dissolved under Section **20A-11-1304** shall, in an even year, file an interim report at the
1685 following times, regardless of whether an election for the school board office holder's office is
1686 held that year:

1687 (i) May 15;

1688 (ii) seven days before the regular primary election date for that year;

1689 (iii) August 31; and

1690 (iv) seven days before the regular general election date.

1691 (2) Each interim report shall include the following information:

1692 (a) the net balance of the last summary report, if any;

1693 (b) a single figure equal to the total amount of receipts reported on all prior interim
1694 reports, if any, during the calendar year in which the interim report is due;

1695 (c) a single figure equal to the total amount of expenditures reported on all prior
1696 interim reports, if any, filed during the calendar year in which the interim report is due;

1697 (d) a detailed listing of each contribution and public service assistance received since
1698 the last summary report that has not been reported in detail on a prior interim report;

1699 (e) for each nonmonetary contribution:

- 1700 (i) the fair market value of the contribution with that information provided by the
1701 contributor; and
- 1702 (ii) a specific description of the contribution;
- 1703 (f) a detailed listing of each expenditure made since the last summary report that has
1704 not been reported in detail on a prior interim report;
- 1705 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1706 (h) a net balance for the year consisting of the net balance from the last summary
1707 report, if any, plus all receipts since the last summary report minus all expenditures since the
1708 last summary report;
- 1709 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1710 (i) beginning balance;
- 1711 (ii) total contributions during the period since the last statement;
- 1712 (iii) total contributions to date;
- 1713 (iv) total expenditures during the period since the last statement; and
- 1714 (v) total expenditures to date; and
- 1715 (j) the name of a political action committee for which the school board office candidate
1716 or school board office holder is designated as an officer who has primary decision-making
1717 authority under Section [20A-11-601](#).
- 1718 ~~[(3)(a) For all individual contributions or public service assistance of \$50 or less, a~~
1719 ~~single aggregate figure may be reported without separate detailed listings.]~~
- 1720 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1721 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 1722 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
1723 reported as of five days before the required filing date of the report.
- 1724 (b) Any negotiable instrument or check received by a school board office candidate or
1725 school board office holder more than five days before the required filing date of a report
1726 required by this section shall be included in the interim report.
- 1727 Section 23. Section **20A-12-301** is amended to read:
- 1728 **20A-12-301. Definitions.**
- 1729 As used in this part:
- 1730 (1) (a) "Contribution" means any of the following when done for political purposes:

1731 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1732 value given to the judge or the judge's personal campaign committee;

1733 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1734 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1735 anything of value to the judge or the judge's personal campaign committee;

1736 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1737 the judge's personal campaign committee;

1738 (iv) compensation paid by any person or reporting entity other than the judge or the
1739 judge's personal campaign committee for personal services provided without charge to the
1740 judge or the judge's personal campaign committee; and

1741 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1742 campaign committee at less than fair market value.

1743 (b) "Contribution" does not include:

1744 (i) services provided without compensation by individuals volunteering a portion or all
1745 of their time on behalf of the judge or the judge's personal campaign committee; or

1746 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1747 institution in the ordinary course of business.

1748 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1749 organization that is registered as a corporation or is authorized to do business in a state and
1750 makes any expenditure from corporate funds for political purposes.

1751 (b) "Corporation" does not mean:

1752 (i) a business organization's political action committee as defined in Section
1753 [20A-11-101](#) or political issues committee as defined in Section [20A-11-101](#); or

1754 (ii) a business entity organized as a partnership or a sole proprietorship.

1755 (3) "Detailed listing" means:

1756 (a) for each contribution:

1757 (i) the name and address of the individual or source making the contribution, to the
1758 extent that the name or address of the individual or source is known;

1759 (ii) the amount or value of the contribution; and

1760 (iii) the date the contribution was made; and

1761 (b) for each expenditure:

- 1762 (i) the amount of the expenditure;
- 1763 (ii) the person or entity to whom it was disbursed;
- 1764 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1765 (iv) the date the expenditure was made.
- 1766 (4) (a) "Expenditure" means:
- 1767 (i) any disbursement from contributions or from the separate bank account required by
- 1768 this chapter;
- 1769 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1770 or anything of value made for political purposes;
- 1771 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1772 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1773 value for political purposes;
- 1774 (iv) compensation paid by a corporation or reporting entity for personal services
- 1775 rendered by a person without charge to the judge or the judge's personal campaign committee;
- 1776 (v) a transfer of funds between the judge's personal campaign committee and another
- 1777 judge's personal campaign committee; or
- 1778 (vi) goods or services provided by the judge's personal campaign committee to or for
- 1779 the benefit of another judge for political purposes at less than fair market value.
- 1780 (b) "Expenditure" does not include:
- 1781 (i) services provided without compensation by individuals volunteering a portion or all
- 1782 of their time on behalf of the judge or judge's personal campaign committee; or
- 1783 (ii) money lent to a judge's personal campaign committee by a financial institution in
- 1784 the ordinary course of business.
- 1785 (5) "Individual" means a natural person.
- 1786 (6) "Interim report" means a report identifying the contributions received and
- 1787 expenditures made since the last report.
- 1788 (7) "Personal campaign committee" means the committee appointed by a judge to act
- 1789 for the judge as provided in this chapter.
- 1790 (8) "Political purposes" means an act done with the intent or in a way to influence or
- 1791 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 1792 against any judge standing for retention at any election.

1793 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1794 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1795 action committee, and a political issues committee.

1796 (10) "Summary report" means the year-end report containing the summary of a
1797 reporting entity's contributions and expenditures.

1798 Section 24. Section **20A-12-303** is amended to read:

1799 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1800 (1) The judge or the judge's personal campaign committee shall deposit each
1801 contribution in one or more separate personal campaign accounts in a financial institution.

1802 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1803 any contributions received into a personal or business account.

1804 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

1805 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1806 campaign committee;

1807 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1808 instrument or check is negotiated; and

1809 (iii) for any other type of contribution, that any portion of the contribution's benefit
1810 inures to the judge.

1811 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1812 governor each contribution received by the judge, within 30 days after the day on which the
1813 contribution is received.

1814 (c) Except as provided in Subsection (3)(d), for each contribution that a judge fails to
1815 report within the time period described in Subsection (3)(b), the lieutenant governor shall
1816 impose a fine against the judge in an amount equal to the greater of \$50 or 15% of the amount
1817 of the contribution.

1818 (d) A fine described in Subsection (3)(c) may not exceed the amount of the
1819 contribution to which the fine relates.

1820 (e) The lieutenant governor shall:

1821 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1822 (ii) report on the lieutenant governor's website, in the location where reports relating to
1823 each judge are available for public access:

- 1824 (A) each fine imposed by the lieutenant governor against the judge;
- 1825 (B) the amount of the fine;
- 1826 (C) the amount of the contribution to which the fine relates; and
- 1827 (D) the date of the contribution.
- 1828 (4) Within 30 days after receiving a contribution, in the form of cash or a negotiable
- 1829 instrument, that is from an unknown source, a judge or the judge's personal campaign
- 1830 committee shall disburse the amount of the contribution to:

- 1831 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 1832 political subdivision's general fund; or
- 1833 (b) an organization that is exempt from federal income taxation under Section
- 1834 501(c)(3), Internal Revenue Code.

1835 Section 25. Section **20A-12-304** is amended to read:

1836 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1837 **requirements -- Year-end summary report.**

1838 (1) The judge's personal campaign committee shall file a summary report with the
1839 lieutenant governor by January 10 of the year after the regular general election year.

1840 (2) (a) Each summary report shall include the following information as of December 31
1841 of the last regular general election year:

1842 (i) a single figure equal to the total amount of contributions reported on the interim
1843 report;

1844 (ii) a single figure equal to the total amount of expenditures reported on the interim
1845 report;

1846 (iii) a detailed listing of each contribution received since the last summary report that
1847 has not been reported in detail on the interim report;

1848 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1849 (v) a detailed listing of each expenditure made since the last summary report that has
1850 not been reported in detail on the interim report;

1851 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1852 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1853 ~~[(b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported~~
1854 ~~without a separate detailed listing.]~~

1855 ~~[(ii) Two or more contributions from the same source for a total of more than \$50 may~~
1856 ~~not be reported in the aggregate, but shall be reported in the detailed listing.]~~

1857 ~~[(e)]~~ (b) A check or negotiable instrument received by a judge or the judge's personal
1858 campaign committee on or before December 31 of the previous year shall be reported in the
1859 summary report.

1860 (3) The judge shall certify in the summary report that, to the best of the judge's
1861 knowledge, all contributions and all expenditures have been reported as of December 31 of the
1862 last regular general election year and that there are no financial obligations outstanding except
1863 as set forth in the report.

1864 Section 26. Section **20A-12-305** is amended to read:

1865 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1866 **requirements -- Interim report.**

1867 (1) The judge's personal campaign committee shall file an interim report with the
1868 lieutenant governor before the close of regular office hours on the date seven days before the
1869 regular general election date.

1870 (2) Each interim report shall include the following information:

1871 (a) a detailed listing of each contribution received since the last financial statement;

1872 (b) for each nonmonetary contribution, the fair market value of the contribution;

1873 (c) a detailed listing of each expenditure made since the last summary report;

1874 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1875 (e) a net balance for the year consisting of all contributions since the last summary
1876 report minus all expenditures since the last summary report.

1877 ~~[(3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be~~
1878 ~~reported without separate detailed listings.]~~

1879 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1880 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1881 ~~[(4)]~~ (3) In preparing each interim report, all contributions and expenditures shall be
1882 reported as of five days before the required filing date of the report.

1883 ~~[(5)]~~ (4) A negotiable instrument or check received by a judge or the judge's personal
1884 campaign committee more than five days before the required filing date of a report required by
1885 this section shall be included in the interim report.

1886