

CAMPAIGN FINANCE REFORM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill removes provisions related to the aggregate reporting of campaign contributions.

Highlighted Provisions:

This bill:

► removes provisions that allow a candidate, officeholder, or other filing entity to report the aggregate value of all individual contributions the candidate or officeholder receives that are worth \$50 or less.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2015, Chapters 21 and 247

17-16-6.5, as last amended by Laws of Utah 2015, Chapter 21

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

20A-11-204, as last amended by Laws of Utah 2015, Chapter 204

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

20A-11-303, as last amended by Laws of Utah 2015, Chapter 204



- 28 **20A-11-401**, as last amended by Laws of Utah 2015, Chapter 21
- 29 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 30 **20A-11-507**, as last amended by Laws of Utah 2015, Chapter 204
- 31 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396
- 32 **20A-11-511**, as last amended by Laws of Utah 2015, Chapter 204
- 33 **20A-11-602**, as last amended by Laws of Utah 2015, Chapters 21 and 204
- 34 **20A-11-701**, as last amended by Laws of Utah 2015, Chapters 204 and 296
- 35 **20A-11-702**, as last amended by Laws of Utah 2015, Chapter 204
- 36 **20A-11-802**, as last amended by Laws of Utah 2015, Chapters 21, 204, and 388
- 37 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347
- 38 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter 204

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

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

42 **10-3-208. Campaign finance disclosure in municipal election.**

43 (1) Unless a municipality adopts by ordinance more stringent definitions, the following
44 are defined terms for purposes of this section:

45 (a) "Agent of a candidate" means:

- 46 (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- 47 (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- 48 (iii) the personal campaign committee of a candidate;
- 49 (iv) a member of the personal campaign committee of a candidate in the member's
50 capacity as a member of the personal campaign committee of the candidate; or
- 51 (v) a political consultant of a candidate.

52 (b) "Anonymous contribution limit" means for each calendar year:

- 53 (i) \$50; or
- 54 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

55 [~~(b)~~] (c) (i) "Candidate" means a person who:

- 56 (A) files a declaration of candidacy for municipal office; or
- 57 (B) receives contributions, makes expenditures, or gives consent for any other person
58 to receive contributions or make expenditures to bring about the person's nomination or

59 election to a municipal office.

60 (ii) "Candidate" does not mean a person who files for the office of judge.

61 ~~(c)~~ (d) (i) "Contribution" means any of the following when done for political
62 purposes:

63 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of
64 value given to a candidate;

65 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
66 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
67 anything of value to the candidate;

68 (C) any transfer of funds from another reporting entity to the candidate;

69 (D) compensation paid by any person or reporting entity other than the candidate for
70 personal services provided without charge to the candidate;

71 (E) a loan made by a candidate deposited to the candidate's own campaign; and

72 (F) an in-kind contribution.

73 (ii) "Contribution" does not include:

74 (A) services provided by an individual volunteering a portion or all of the individual's
75 time on behalf of the candidate if the services are provided without compensation by the
76 candidate or any other person;

77 (B) money lent to the candidate by a financial institution in the ordinary course of
78 business; or

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

81 ~~(d)~~ (e) "Coordinated with" means that goods or services provided for the benefit of a
82 candidate are provided:

83 (i) with the candidate's prior knowledge, if the candidate does not object;

84 (ii) by agreement with the candidate;

85 (iii) in coordination with the candidate; or

86 (iv) using official logos, slogans, and similar elements belonging to a candidate.

87 ~~(e)~~ (f) (i) "Expenditure" means any of the following made by a candidate or an agent
88 of the candidate on behalf of the candidate:

89 (A) any disbursement from contributions, receipts, or from an account described in

90 Subsection (3)(a)(i);

91 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
92 or anything of value made for political purposes;

93 (C) an express, legally enforceable contract, promise, or agreement to make any
94 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
95 value for a political purpose;

96 (D) compensation paid by a candidate for personal services rendered by a person
97 without charge to a reporting entity;

98 (E) a transfer of funds between the candidate and a candidate's personal campaign
99 committee as defined in Section 20A-11-101; or

100 (F) goods or services provided by a reporting entity to or for the benefit of the
101 candidate for political purposes at less than fair market value.

102 (ii) "Expenditure" does not include:

103 (A) services provided without compensation by an individual volunteering a portion or
104 all of the individual's time on behalf of a candidate; or

105 (B) money lent to a candidate by a financial institution in the ordinary course of
106 business.

107 ~~(f)~~ (g) "In-kind contribution" means anything of value other than money, that is
108 accepted by or coordinated with a candidate.

109 ~~(g)~~ (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by
110 another person on behalf of and with the knowledge of the candidate, to provide political
111 advice to the candidate.

112 (ii) "Political consultant" includes a circumstance described in Subsection
113 (1)~~(g)~~(h)(i), where the person:

114 (A) has already been paid, with money or other consideration;

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

116 (C) understands that the person may, in the discretion of the candidate or another
117 person on behalf of and with the knowledge of the candidate, be paid in the future, with money
118 or other consideration.

119 ~~(h)~~ (i) "Political purposes" means an act done with the intent or in a way to influence
120 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or

121 against any candidate or a person seeking a municipal office at any caucus, political
122 convention, or election.

123 ~~[(i)]~~ (j) "Reporting entity" means:

- 124 (i) a candidate;
- 125 (ii) a committee appointed by a candidate to act for the candidate;
- 126 (iii) a person who holds an elected municipal office;
- 127 (iv) a party committee as defined in Section 20A-11-101;
- 128 (v) a political action committee as defined in Section 20A-11-101;
- 129 (vi) a political issues committee as defined in Section 20A-11-101;
- 130 (vii) a corporation as defined in Section 20A-11-101; or
- 131 (viii) a labor organization as defined in Section 20A-11-1501.

132 ~~[(j) "Reporting limit" means for each calendar year:]~~

133 ~~[(i) \$50; or]~~

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

135 (2) (a) A municipality may adopt an ordinance establishing campaign finance
136 disclosure requirements for a candidate that are more stringent than the requirements provided
137 in Subsections (3) and (4).

138 (b) The municipality may adopt definitions that are more stringent than those provided
139 in Subsection (1).

140 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described
141 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained
142 in Subsections (3) and (4).

143 (3) (a) Each candidate:

144 (i) shall deposit a contribution in a separate campaign account in a financial institution;

145 and

146 (ii) may not deposit or mingle any campaign contributions received into a personal or
147 business account.

148 (b) Each candidate who is not eliminated at a municipal primary election shall file with
149 the municipal clerk or recorder a campaign finance statement:

150 (i) no later than seven days before the day on which the municipal general election is
151 held; and

152 (ii) no later than 30 days after the day on which the municipal general election is held.

153 (c) Each candidate for municipal office who is eliminated at a municipal primary
154 election shall file with the municipal clerk or recorder a campaign finance statement 30 days
155 after the day on which the municipal primary election is held.

156 (4) Each campaign finance statement under Subsection (3)(b) or (c) shall:

157 (a) except as provided in Subsection (4)(b):

158 (i) report all of the candidate's itemized and total:

159 (A) contributions, including in-kind and other nonmonetary contributions, received up
160 to and including five days before the campaign finance statement is due, excluding a
161 contribution previously reported; and

162 (B) expenditures made up to and including five days before the campaign finance
163 statement is due, excluding an expenditure previously reported; and

164 (ii) identify:

165 (A) for each contribution [~~that exceeds the reporting limit~~], the amount of the
166 contribution and the name of the donor, if known; and

167 [~~(B) the aggregate total of all contributions that individually do not exceed the~~
168 ~~reporting limit; and]~~

169 [~~(C)~~] (B) for each expenditure, the amount of the expenditure and the name of the
170 recipient of the expenditure; or

171 (b) report the total amount of all contributions and expenditures if the candidate
172 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

173 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
174 exceeds the [~~reporting~~] anonymous contribution limit, and is from a donor whose name is
175 unknown, a candidate shall disburse the amount of the contribution to:

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

178 (ii) an organization that is exempt from federal income taxation under Section
179 501(c)(3), Internal Revenue Code.

180 (5) (a) A municipality may, by ordinance:

181 (i) provide [~~a reporting~~] an anonymous contribution limit [~~lower~~] less than \$50;

182 (ii) require greater disclosure of contributions or expenditures than is required in this

183 section; and

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

186 (b) A candidate is subject to the provisions of this section and not the provisions of an
187 ordinance adopted by the municipality under Subsection (5)(a) if:

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

190 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
191 ordinance as required in Subsection (6).

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

195 (a) the provisions of statute or municipal ordinance governing the disclosure of
196 contributions and expenditures;

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

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

202 (7) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
203 Access and Management Act, the municipal clerk or recorder shall:

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

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

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

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

212 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
213 website established by the lieutenant governor under Section 20A-11-103 no later than two

214 business days after the statement is filed.

215 (8) (a) If a candidate fails to file a campaign finance statement before the municipal
216 general election by the deadline specified in Subsection (3)(b)(i), the municipal clerk or
217 recorder shall inform the appropriate election official who:

218 (i) shall:

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

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

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

225 (b) Notwithstanding Subsection (8)(a), a candidate who files a campaign finance
226 statement seven days before a municipal general election is not disqualified if:

227 (i) the statement details accurately and completely the information required under
228 Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and

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

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

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

235 (b) In a civil action under Subsection (10)(a), the court may award costs and attorney
236 fees to the prevailing party.

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

238 **17-16-6.5. Campaign financial disclosure in county elections.**

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

241 (i) candidates for county office; and

242 (ii) candidates for local school board office who reside in that county.

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

244 (i) a requirement that each candidate for county office or local school board office

245 report the candidate's itemized and total campaign contributions and expenditures at least once
246 within the two weeks before the election and at least once within two months after the election;

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

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

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

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

253 (iv) a requirement that a candidate for county office or local school board office
254 deposit a contribution in a separate campaign account in a financial institution;

255 (v) a prohibition against a candidate for county office or local school board office
256 depositing or mingling any contributions received into a personal or business account; and

257 (vi) a requirement that a candidate for county office who receives a contribution that is
258 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,
259 shall, within 30 days after receiving the contribution, disburse the amount of the contribution
260 to:

261 (A) the treasurer of the state or a political subdivision for deposit into the state's or
262 political subdivision's general fund; or

263 (B) an organization that is exempt from federal income taxation under Section
264 501(c)(3), Internal Revenue Code.

265 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
266 institution:

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

268 (B) into which or from which a person who, as a candidate for an office, other than a
269 county office for which the person files a declaration of candidacy or federal office, or as a
270 holder of an office, other than a county office for which the person files a declaration of
271 candidacy or federal office, deposits a contribution or makes an expenditure.

272 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
273 candidate for county office or local school board office include on a financial report filed in
274 accordance with the ordinance a contribution deposited in or an expenditure made from an
275 account:

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

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

278 (2) If any county fails to adopt a campaign finance disclosure ordinance described in

279 Subsection (1), candidates for county office, other than community council office, and

280 candidates for local school board office shall comply with the financial reporting requirements

281 contained in Subsections (3) through (8).

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

283 (a) shall deposit a contribution in a separate campaign account in a financial institution;

284 and

285 (b) may not deposit or mingle any contributions received into a personal or business

286 account.

287 (4) Each candidate for elective office in any county who is not required to submit a

288 campaign financial statement to the lieutenant governor, and each candidate for local school

289 board office, shall file a signed campaign financial statement with the county clerk:

290 (a) seven days before the date of the regular general election, reporting each

291 contribution [~~of more than \$50~~] and each expenditure as of 10 days before the date of the

292 regular general election; and

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

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

295 (i) a list of each contribution [~~of more than \$50~~] received by the candidate, and the

296 name of the donor, if known; and

297 [~~(ii) an aggregate total of all contributions of \$50 or less received by the candidate;~~

298 and]

299 [~~(iii)~~] (ii) a list of each expenditure for political purposes made during the campaign

300 period, and the recipient of each expenditure.

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

302 (i) a list of each contribution [~~of more than \$50~~] received after the cutoff date for the

303 statement filed seven days before the election, and the name of the donor; and

304 [~~(ii) an aggregate total of all contributions of \$50 or less received by the candidate after~~

305 ~~the cutoff date for the statement filed seven days before the election; and~~]

306 [~~(iii)~~] (ii) a list of all expenditures for political purposes made by the candidate after the

307 cutoff date for the statement filed seven days before the election, and the recipient of each
308 expenditure.

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

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

312 (ii) into which or from which a person who, as a candidate for an office, other than a
313 county office for which the person filed a declaration of candidacy or federal office, or as a
314 holder of an office, other than a county office for which the person filed a declaration of
315 candidacy or federal office, deposits a contribution or makes an expenditure.

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

318 (i) a contribution deposited in an account:

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

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

321 (ii) an expenditure made from an account:

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

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

324 (7) Within 30 days after receiving a contribution that is cash or a negotiable
325 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
326 candidate shall disburse the amount of the contribution to:

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

329 (b) an organization that is exempt from federal income taxation under Section
330 501(c)(3), Internal Revenue Code.

331 (8) Candidates for elective office in any county, and candidates for local school board
332 office, who are eliminated at a primary election shall file a signed campaign financial statement
333 containing the information required by this section not later than 30 days after the primary
334 election.

335 (9) Any person who fails to comply with this section is guilty of an infraction.

336 (10) (a) Counties may, by ordinance, enact requirements that:

337 (i) require greater disclosure of campaign contributions and expenditures; and

338 (ii) impose additional penalties.

339 (b) The requirements described in Subsection (10)(a) apply to a local school board
340 office candidate who resides in that county.

341 (11) (a) If a candidate fails to file an interim report due before the election, the county
342 clerk shall, after making a reasonable attempt to discover if the report was timely mailed,
343 inform the appropriate election officials who:

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

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

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

350 (b) Notwithstanding Subsection (11)(a), a candidate is not disqualified if:

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

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

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

357 (c) A report is considered filed if:

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

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

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

364 (12) (a) Any private party in interest may bring a civil action in district court to enforce
365 the provisions of this section or any ordinance adopted under this section.

366 (b) In a civil action filed under Subsection (12)(a), the court shall award costs and
367 attorney fees to the prevailing party.

368 (13) Notwithstanding any provision of Title 63G, Chapter 2, Government Records

369 Access and Management Act, the county clerk shall:

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

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

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

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

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

381 Section 3. Section 20A-11-203 is amended to read:

382 **20A-11-203. State office candidate -- Financial reporting requirements --**

383 **Year-end summary report.**

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

386 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
387 that has not filed the statement of dissolution and final summary report required under Section
388 20A-11-205 shall continue to file a summary report on January 10 of each year.

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

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

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

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

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

398 (v) for each nonmonetary contribution:

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

400 contributor; and

401 (B) a specific description of the contribution;

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

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

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

407 (ix) the name of a political action committee for which the state office candidate is
408 designated as an officer who has primary decision-making authority under Section
409 [20A-11-601](#).

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

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

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

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

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

424 Section 4. Section **20A-11-204** is amended to read:

425 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
426 **requirements -- Interim reports.**

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

429 (b) Except as provided in Subsection (1)(c), each state office candidate shall file an
430 interim report at the following times in any year in which the candidate has filed a declaration

431 of candidacy for a public office:

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

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

434 (iii) September 30; and

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

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

438 (i) shall file an interim report:

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

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

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

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

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

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

453 (iii) September 30; and

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

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

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

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

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

461 (d) a detailed listing of each contribution and public service assistance received since

462 the last summary report that has not been reported in detail on a prior interim report;

463 (e) for each nonmonetary contribution:

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

465 contributor; and

466 (ii) a specific description of the contribution;

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

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

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

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

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

472 last summary report;

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

474 (i) beginning balance;

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

476 (iii) total contributions to date;

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

478 (v) total expenditures to date; and

479 (j) the name of a political action committee for which the state office candidate or state

480 office holder is designated as an officer who has primary decision-making authority under

481 Section [20A-11-601](#).

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

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

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

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

486 [(4)] (3) (a) In preparing each interim report, all receipts and expenditures shall be

487 reported as of five days before the required filing date of the report.

488 (b) Any negotiable instrument or check received by a state office candidate or state

489 office holder more than five days before the required filing date of a report required by this

490 section shall be included in the interim report.

491 Section 5. Section **20A-11-302** is amended to read:

492 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

493 **Year-end summary report.**

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

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

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

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

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

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

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

508 (v) for each nonmonetary contribution:

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

511 (B) a specific description of the contribution;

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

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

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

517 (ix) the name of a political action committee for which the legislative office candidate
518 is designated as an officer who has primary decision-making authority under Section
519 20A-11-601.

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

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

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

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

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

532 Section 6. Section **20A-11-303** is amended to read:

533 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
534 **reporting requirements -- Interim reports.**

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

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

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

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

542 (iii) September 30; and

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

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

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

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

551 (iii) September 30; and

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

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

555 (i) shall file an interim report:

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

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

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

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

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

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

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

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

572 (e) for each nonmonetary contribution:

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

575 (ii) a specific description of the contribution;

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

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

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

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

583 (i) beginning balance;

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

585 (iii) total contributions to date;

- 586 (iv) total expenditures during the period since the last statement; and
587 (v) total expenditures to date; and
588 (j) the name of a political action committee for which the legislative office candidate or
589 legislative office holder is designated as an officer who has primary decision-making authority
590 under Section 20A-11-601.

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

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

595 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
596 reported as of five days before the required filing date of the report.

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

600 Section 7. Section 20A-11-401 is amended to read:

601 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
602 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
603 **or public service assistance.**

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

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

609 (i) this section; and

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

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

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

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

- 617 (iii) a single figure equal to the total amount of expenditures made since the last
618 summary report, if any;
- 619 (iv) a detailed listing of each contribution and public service assistance received since
620 the last summary report;
- 621 (v) for each nonmonetary contribution:
- 622 (A) the fair market value of the contribution with that information provided by the
623 contributor; and
- 624 (B) a specific description of the contribution;
- 625 (vi) a detailed listing of each expenditure made since the last summary report;
- 626 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 627 (viii) a net balance for the year consisting of the net balance from the last summary
628 report plus all receipts minus all expenditures; and
- 629 (ix) the name of a political action committee for which the officeholder is designated
630 as an officer who has primary decision-making authority under Section 20A-11-601.
- 631 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a
632 single aggregate figure may be reported without separate detailed listings.]~~
- 633 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
634 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 635 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
636 December 31 of the previous year.
- 637 (3) The summary report shall contain a paragraph signed by the officeholder certifying
638 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
639 reported as of December 31 of the last calendar year and that there are no bills or obligations
640 outstanding and unpaid except as set forth in that report.
- 641 (4) An officeholder may:
- 642 (a) receive public service assistance from a political action committee registered under
643 Section 20A-11-601; and
- 644 (b) be designated by a political action committee as an officer who has primary
645 decision-making authority as described in Section 20A-11-601.
- 646 (5) Within 30 days after receiving a contribution or public service assistance that is
647 cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder

648 shall disburse the amount of the contribution or public service assistance to:

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

651 (b) an organization that is exempt from federal income taxation under Section
652 501(c)(3), Internal Revenue Code.

653 Section 8. Section **20A-11-506** is amended to read:

654 **20A-11-506. Political party financial reporting requirements -- Year-end**
655 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

683 Section 9. Section **20A-11-507** is amended to read:

684 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

- 687 (a) seven days before the registered political party's political convention;
- 688 (b) seven days before the regular primary election date;
- 689 (c) September 30; and
- 690 (d) seven days before the general election date.

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

- 692 (a) the net balance of the last financial statement, if any;
- 693 (b) a single figure equal to the total amount of receipts reported on all prior interim
694 reports, if any, during the calendar year in which the interim report is due;
- 695 (c) a single figure equal to the total amount of expenditures reported on all prior
696 interim reports, if any, filed during the calendar year in which the interim report is due;
- 697 (d) a detailed listing of each contribution and public service assistance received since
698 the last summary report that has not been reported in detail on a prior interim report;
- 699 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 700 (f) a detailed listing of each expenditure made since the last summary report that has
701 not been reported in detail on a prior interim report;
- 702 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 703 (h) a net balance for the year consisting of the net balance from the last summary
704 report, if any, plus all receipts since the last summary report minus all expenditures since the
705 last summary report; and
- 706 (i) a summary page in the form required by the lieutenant governor that identifies:
 - 707 (i) beginning balance;
 - 708 (ii) total contributions during the period since the last statement;
 - 709 (iii) total contributions to date;

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

711 (v) total expenditures to date.

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

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

716 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
717 reported as of five days before the required filing date of the report.

718 Section 10. Section **20A-11-510** is amended to read:

719 **20A-11-510. County political party financial reporting requirements -- Year-end**
720 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

750 **20A-11-511. County political party financial reporting requirements -- Interim**
751 **reports.**

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

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

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

758 (iii) September 30; and

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

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

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

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

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

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

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

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

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

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

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

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

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

778 (i) beginning balance;

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

780 (iii) total contributions to date;

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

782 (v) total expenditures to date.

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

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

787 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
788 reported as of five days before the required filing date of the report.

789 Section 12. Section **20A-11-602** is amended to read:

790 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

798 (iv) on September 30; and

799 (v) seven days before:

800 (A) the municipal general election; and

801 (B) the regular general election date.

802 (b) The registered political action committee shall report:

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

805 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
806 contributions and expenditures as of five days before the required filing date of the financial
807 statement.

808 (c) The registered political action committee need not file a statement under this
809 section if it received no contributions and made no expenditures during the reporting period.

810 (2) ~~(a)~~ The verified financial statement shall include:

811 ~~(i)~~ (a) the name and address of any individual who makes a contribution to the
812 reporting political action committee, if known, and the amount of the contribution;

813 ~~(ii)~~ (b) the identification of any publicly identified class of individuals that makes a
814 contribution to the reporting political action committee, if known, and the amount of the
815 contribution;

816 ~~(iii)~~ (c) the name and address of any political action committee, group, or entity, if
817 known, that makes a contribution to the reporting political action committee, and the amount of
818 the contribution;

819 ~~(iv)~~ (d) for each nonmonetary contribution, the fair market value of the contribution;

820 ~~(v)~~ (e) the name and address of each reporting entity that received an expenditure
821 from the reporting political action committee, and the amount of each expenditure;

822 ~~(vi)~~ (f) for each nonmonetary expenditure, the fair market value of the expenditure;

823 ~~(vii)~~ (g) the total amount of contributions received and expenditures disbursed by the
824 reporting political action committee;

825 ~~(viii)~~ (h) a statement by the political action committee's treasurer or chief financial
826 officer certifying that, to the best of the person's knowledge, the financial report is accurate;
827 and

828 ~~(ix)~~ (i) a summary page in the form required by the lieutenant governor that identifies
829 the:

830 ~~(A)~~ (i) beginning balance;

831 ~~(B)~~ (ii) total contributions during the period since the last statement;

832 ~~(C)~~ (iii) total contributions to date;

833 ~~(D)~~ (iv) total expenditures during the period since the last statement; and

834 [~~(E)~~] (v) total expenditures to date.

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

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

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

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

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

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

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

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

850 (5) A political action committee may not expend a contribution for political purposes if
851 the contribution:

852 (a) is cash or a negotiable instrument;

853 (b) exceeds \$50; and

854 (c) is from an unknown source.

855 Section 13. Section **20A-11-701** is amended to read:

856 **20A-11-701. Campaign financial reporting by corporations -- Filing requirements**
857 **-- Statement contents -- Donor reporting and notification required.**

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

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

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

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

864 (iv) on September 30; and

- 865 (v) seven days before the regular general election date.
- 866 (b) The corporation shall report:
- 867 (i) a detailed listing of all expenditures made since the last financial statement;
- 868 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
- 869 expenditures as of five days before the required filing date of the financial statement; and
- 870 (iii) whether the corporation, including an officer of the corporation, director of the
- 871 corporation, or person with at least 10% ownership in the corporation:
- 872 (A) has bid since the last financial statement on a contract, as defined in Section
- 873 63G-6a-103, in excess of \$100,000;
- 874 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of
- 875 \$100,000; or
- 876 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
- 877 (c) The corporation need not file a financial statement under this section if the
- 878 corporation made no expenditures during the reporting period.
- 879 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
- 880 reporting entity that the reporting entity is required to include in a financial statement described
- 881 in this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 882 (2) The financial statement shall include:
- 883 (a) the name and address of each reporting entity that received an expenditure from the
- 884 corporation, and the amount of each expenditure;
- 885 (b) the total amount of expenditures disbursed by the corporation:
- 886 (i) since the last financial statement; and
- 887 (ii) during the calendar year;
- 888 (c) (i) a statement that the corporation did not receive any money from any donor
- 889 during the calendar year or the previous calendar year that the corporation has not reported in a
- 890 previous financial statement; or
- 891 (ii) a report, described in Subsection (3), of the money received from donors during the
- 892 calendar year or the previous calendar year that the corporation has not reported in a previous
- 893 financial statement; and
- 894 (d) a statement by the corporation's treasurer or chief financial officer certifying the
- 895 accuracy of the financial statement.

896 (3) (a) The report required by Subsection (2)(c)(ii) shall include:
897 (i) the name and address of each donor;
898 (ii) the amount of the money received by the corporation from each donor; and
899 (iii) the date on which the corporation received the money.
900 (b) A corporation shall report money received from donors in the following order:
901 (i) first, beginning with the least recent date on which the corporation received money
902 that the corporation has not reported in a previous financial statement, the money received from
903 a donor that:
904 (A) requests that the corporation use the money to make an expenditure;
905 (B) gives the money to the corporation in response to a solicitation indicating the
906 corporation's intent to make an expenditure; or
907 (C) knows that the corporation may use the money to make an expenditure; and
908 (ii) second, divide the difference between the total amount of expenditures made since
909 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)
910 on a proration basis between all donors that:
911 (A) are not described in Subsection (3)(b)(i);
912 (B) gave at least \$50 during the calendar year or previous calendar year; and
913 (C) have not been reported in a previous financial statement.
914 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
915 expenditures made since the last financial statement, the financial statement shall contain a
916 statement that the corporation has reported all donors that gave money, and all money received
917 by donors, during the calendar year or previous calendar year that the corporation has not
918 reported in a previous financial statement.
919 (d) The corporation shall indicate on the financial statement that the amount attributed
920 to each donor under Subsection (3)(b)(ii) is only an estimate.
921 ~~[(e) (i) For all individual donations of \$50 or less, the corporation may report a single~~
922 ~~aggregate figure without separate detailed listings.]~~
923 ~~[(ii) The corporation:]~~
924 ~~[(A) may not report in the aggregate two or more donations from the same source that~~
925 ~~have an aggregate total of more than \$50; and]~~
926 ~~[(B) shall separately report donations described in Subsection (3)(e)(ii)(A).]~~

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

929 (a) the corporation may use the money to make an expenditure; and

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

932 Section 14. Section **20A-11-702** is amended to read:

933 **20A-11-702. Campaign financial reporting of political issues expenditures by**
934 **corporations -- Financial reporting -- Donor reporting and notification required.**

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

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

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

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

941 (iv) on September 30; and

942 (v) seven days before the regular general election date.

943 (b) The corporation shall report:

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

945 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),
946 expenditures as of five days before the required filing date of the financial statement.

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

949 (2) That statement shall include:

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

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

954 (i) since the last financial statement; and

955 (ii) during the calendar year;

956 (c) (i) a statement that the corporation did not receive any money from any donor
957 during the calendar year or the previous calendar year that the corporation has not reported in a

958 previous financial statement; or

959 (ii) a report, described in Subsection (3), of the money received from donors during the
960 calendar year or the previous calendar year that the corporation has not reported in a previous
961 financial statement; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

988 (d) The corporation shall indicate on the financial statement that the amount attributed

989 to each donor under Subsection (3)(b)(ii) is only an estimate.

990 ~~[(e) (i) For all individual donations of \$50 or less, the corporation may report a single~~
991 ~~aggregate figure without separate detailed listings.]~~

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

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

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

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

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

999 (b) the person's name and address may be disclosed on the corporation's financial
1000 statement.

1001 Section 15. Section **20A-11-802** is amended to read:

1002 **20A-11-802. Political issues committees -- Financial reporting.**

1003 (1) (a) Each registered political issues committee that has received political issues
1004 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1005 \$750, during a calendar year, shall file a verified financial statement with the lieutenant
1006 governor's office:

1007 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1008 previous year;

1009 (ii) seven days before the state political convention of each major political party;

1010 (iii) seven days before the regular primary election date;

1011 (iv) seven days before the date of an incorporation election, if the political issues
1012 committee has received donations or made disbursements to affect an incorporation;

1013 (v) at least three days before the first public hearing held as required by Section
1014 [20A-7-204.1](#);

1015 (vi) if the political issues committee has received or expended funds in relation to an
1016 initiative or referendum, at the time the initiative or referendum sponsors submit:

1017 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or

1018 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);

1019 (vii) on September 30; and

- 1020 (viii) seven days before:
- 1021 (A) the municipal general election; and
- 1022 (B) the regular general election.
- 1023 (b) The political issues committee shall report:
- 1024 (i) a detailed listing of all contributions received and expenditures made since the last
- 1025 statement; and
- 1026 (ii) all contributions and expenditures as of five days before the required filing date of
- 1027 the financial statement, except for a financial statement filed on January 10.
- 1028 (c) The political issues committee need not file a statement under this section if it
- 1029 received no contributions and made no expenditures during the reporting period.
- 1030 (2) (a) That statement shall include:
- 1031 (i) the name and address, if known, of any individual who makes a political issues
- 1032 contribution to the reporting political issues committee, and the amount of the political issues
- 1033 contribution;
- 1034 (ii) the identification of any publicly identified class of individuals that makes a
- 1035 political issues contribution to the reporting political issues committee, and the amount of the
- 1036 political issues contribution;
- 1037 (iii) the name and address, if known, of any political issues committee, group, or entity
- 1038 that makes a political issues contribution to the reporting political issues committee, and the
- 1039 amount of the political issues contribution;
- 1040 (iv) the name and address of each reporting entity that makes a political issues
- 1041 contribution to the reporting political issues committee, and the amount of the political issues
- 1042 contribution;
- 1043 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1044 (vi) except as provided in Subsection (2)[~~(c)~~](b), the name and address of each
- 1045 individual, entity, or group of individuals or entities that received a political issues expenditure
- 1046 of more than \$50 from the reporting political issues committee, and the amount of each
- 1047 political issues expenditure;
- 1048 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1049 (viii) the total amount of political issues contributions received and political issues
- 1050 expenditures disbursed by the reporting political issues committee;

1051 (ix) a statement by the political issues committee's treasurer or chief financial officer
1052 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1053 (x) a summary page in the form required by the lieutenant governor that identifies:

1054 (A) beginning balance;

1055 (B) total contributions during the period since the last statement;

1056 (C) total contributions to date;

1057 (D) total expenditures during the period since the last statement; and

1058 (E) total expenditures to date.

1059 ~~[(b)(i) Political issues contributions received by a political issues committee that have~~
1060 ~~a value of \$50 or less need not be reported individually, but shall be listed on the report as an~~
1061 ~~aggregate total.]~~

1062 ~~[(ii) Two or more political issues contributions from the same source that have an~~
1063 ~~aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported~~
1064 ~~separately.]~~

1065 ~~[(c)]~~ (b) When reporting political issue expenditures made to circulators of initiative
1066 petitions, the political issues committee:

1067 (i) need only report the amount paid to each initiative petition circulator; and

1068 (ii) need not report the name or address of the circulator.

1069 (3) (a) As used in this Subsection (3), "received" means:

1070 (i) for a cash contribution, that the cash is given to a political issues committee;

1071 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1072 instrument or check is negotiated; and

1073 (iii) for any other type of contribution, that any portion of the contribution's benefit
1074 inures to the political issues committee.

1075 (b) A political issues committee shall report each contribution to the lieutenant
1076 governor within 30 days after the contribution is received.

1077 (4) A political issues committee may not expend a contribution for a political issues
1078 expenditure if the contribution:

1079 (a) is cash or a negotiable instrument;

1080 (b) exceeds \$50; and

1081 (c) is from an unknown source.

1082 Section 16. Section **20A-11-1302** is amended to read:

1083 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1084 **-- Year-end summary report.**

1085 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1086 the year after the regular general election year.

1087 (b) In addition to the requirements of Subsection (1)(a), a former school board office
1088 candidate that has not filed the statement of dissolution and final summary report required
1089 under Section **20A-11-1304** shall continue to file a summary report on January 10 of each year.

1090 (2) (a) Each summary report shall include the following information as of December 31
1091 of the previous year:

1092 (i) the net balance of the last financial statement, if any;

1093 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1094 if any, during the previous year;

1095 (iii) a single figure equal to the total amount of expenditures reported on all interim
1096 reports, if any, filed during the previous year;

1097 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1098 the last summary report that has not been reported in detail on an interim report;

1099 (v) for each nonmonetary contribution:

1100 (A) the fair market value of the contribution with that information provided by the
1101 contributor; and

1102 (B) a specific description of the contribution;

1103 (vi) a detailed listing of each expenditure made since the last summary report that has
1104 not been reported in detail on an interim report;

1105 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1106 (viii) a net balance for the year consisting of the net balance from the last summary
1107 report, if any, plus all receipts minus all expenditures; and

1108 (ix) the name of a political action committee for which the school board office
1109 candidate is designated as an officer who has primary decision-making authority under Section
1110 **20A-11-601**.

1111 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a~~
1112 ~~single aggregate figure may be reported without separate detailed listings.]~~

1113 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
 1114 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1115 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
 1116 December 31 of the previous year.

1117 ~~[(d)]~~ (c) A check or negotiable instrument received by a school board office candidate
 1118 on or before December 31 of the previous year shall be included in the summary report.

1119 (3) The school board office candidate shall certify in the summary report that, to the
 1120 best of the school board office candidate's knowledge, all receipts and all expenditures have
 1121 been reported as of December 31 of the previous year and that there are no bills or obligations
 1122 outstanding and unpaid except as set forth in that report.

1123 Section 17. Section **20A-11-1303** is amended to read:

1124 **20A-11-1303. School board office candidate and school board officeholder --**
 1125 **Financial reporting requirements -- Interim reports.**

1126 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign
 1127 account required under Subsection **20A-11-1301(1)(a)(i)**.

1128 (b) Each school board office candidate shall file an interim report at the following
 1129 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1130 (i) May 15;

1131 (ii) seven days before the regular primary election date;

1132 (iii) September 30; and

1133 (iv) seven days before the regular general election date.

1134 (c) Each school board office holder who has a campaign account that has not been
 1135 dissolved under Section **20A-11-1304** shall, in an even year, file an interim report at the
 1136 following times, regardless of whether an election for the school board office holder's office is
 1137 held that year:

1138 (i) May 15;

1139 (ii) seven days before the regular primary election date for that year;

1140 (iii) September 30; and

1141 (iv) seven days before the regular general election date.

1142 (2) Each interim report shall include the following information:

1143 (a) the net balance of the last summary report, if any;

- 1144 (b) a single figure equal to the total amount of receipts reported on all prior interim
1145 reports, if any, during the calendar year in which the interim report is due;
- 1146 (c) a single figure equal to the total amount of expenditures reported on all prior
1147 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1148 (d) a detailed listing of each contribution and public service assistance received since
1149 the last summary report that has not been reported in detail on a prior interim report;
- 1150 (e) for each nonmonetary contribution:
- 1151 (i) the fair market value of the contribution with that information provided by the
1152 contributor; and
- 1153 (ii) a specific description of the contribution;
- 1154 (f) a detailed listing of each expenditure made since the last summary report that has
1155 not been reported in detail on a prior interim report;
- 1156 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1157 (h) a net balance for the year consisting of the net balance from the last summary
1158 report, if any, plus all receipts since the last summary report minus all expenditures since the
1159 last summary report;
- 1160 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1161 (i) beginning balance;
- 1162 (ii) total contributions during the period since the last statement;
- 1163 (iii) total contributions to date;
- 1164 (iv) total expenditures during the period since the last statement; and
- 1165 (v) total expenditures to date; and
- 1166 (j) the name of a political action committee for which the school board office candidate
1167 or school board office holder is designated as an officer who has primary decision-making
1168 authority under Section [20A-11-601](#).
- 1169 ~~[(3)(a) For all individual contributions or public service assistance of \$50 or less, a
1170 single aggregate figure may be reported without separate detailed listings.]~~
- 1171 ~~[(b) Two or more contributions from the same source that have an aggregate total of
1172 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 1173 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
1174 reported as of five days before the required filing date of the report.

1175 (b) Any negotiable instrument or check received by a school board office candidate or
1176 school board office holder more than five days before the required filing date of a report
1177 required by this section shall be included in the interim report.

Legislative Review Note
Office of Legislative Research and General Counsel