

Representative Norman K. Thurston proposes the following substitute bill:

ELECTIONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill amends provisions relating to election law.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses the level of detail required for reports of contributions and expenditures;
- ▶ provides that a regulated officeholder is not required to file a conflict of interest disclosure at the time of filing for reelection to office if the regulated officeholder already filed a disclosure earlier the same year and indicates that the disclosure is accurate and up-to-date;
- ▶ amends provisions relating to permissible uses of campaign funds;
- ▶ amends contribution reporting requirements for certain reporting entities;
- ▶ amends provisions relating to an anonymous campaign donation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22
- 29 **20A-11-101**, as last amended by Laws of Utah 2020, Chapter 22
- 30 **20A-11-101.3**, as enacted by Laws of Utah 2014, Chapter 18
- 31 **20A-11-104**, as last amended by Laws of Utah 2019, Chapter 204
- 32 **20A-11-201**, as last amended by Laws of Utah 2019, Chapter 74
- 33 **20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 34 **20A-11-206**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 35 **20A-11-301**, as last amended by Laws of Utah 2019, Chapter 74
- 36 **20A-11-303**, as last amended by Laws of Utah 2019, Chapter 74
- 37 **20A-11-305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 38 **20A-11-403**, as last amended by Laws of Utah 2020, Chapter 22
- 39 **20A-11-705**, as last amended by Laws of Utah 2018, Chapter 83
- 40 **20A-11-801**, as last amended by Laws of Utah 2020, Chapter 22
- 41 **20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 42 **20A-11-1303**, as last amended by Laws of Utah 2019, Chapter 74
- 43 **20A-11-1602**, as last amended by Laws of Utah 2020, Chapter 344
- 44 **20A-11-1602.5**, as enacted by Laws of Utah 2019, Chapter 266
- 45 **20A-11-1603**, as last amended by Laws of Utah 2019, Chapter 266
- 46 **20A-11-1604**, as last amended by Laws of Utah 2019, Chapter 266
- 47 **20A-11-1605**, as last amended by Laws of Utah 2020, Chapter 22
- 48 **20A-11-1706**, as enacted by Laws of Utah 2014, Chapter 60
- 49 **20A-12-303**, as last amended by Laws of Utah 2018, Chapter 83



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

52 Section 1. Section **20A-9-201** is amended to read:

53 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 54 **more than one political party prohibited with exceptions -- General filing and form**
 55 **requirements -- Affidavit of impecuniosity.**

56 (1) Before filing a declaration of candidacy for election to any office, an individual

57 shall:

58 (a) be a United States citizen;

59 (b) meet the legal requirements of that office; and

60 (c) if seeking a registered political party's nomination as a candidate for elective office,

61 state:

62 (i) the registered political party of which the individual is a member; or

63 (ii) that the individual is not a member of a registered political party.

64 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

65 (i) file a declaration of candidacy for, or be a candidate for, more than one office in

66 Utah during any election year;

67 (ii) appear on the ballot as the candidate of more than one political party; or

68 (iii) file a declaration of candidacy for a registered political party of which the

69 individual is not a member, except to the extent that the registered political party permits

70 otherwise in the registered political party's bylaws.

71 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,

72 president or vice president of the United States and another office, if the individual resigns the

73 individual's candidacy for the other office after the individual is officially nominated for

74 president or vice president of the United States.

75 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

76 than one justice court judge office.

77 (iii) An individual may file a declaration of candidacy for lieutenant governor even if

78 the individual filed a declaration of candidacy for another office in the same election year if the

79 individual withdraws as a candidate for the other office in accordance with Subsection

80 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

81 (3) (a) Except for a candidate for president or vice president of the United States,

82 before the filing officer may accept any declaration of candidacy, the filing officer shall:

83 (i) read to the individual the constitutional and statutory qualification requirements for
84 the office that the individual is seeking;

85 (ii) require the individual to state whether the individual meets the requirements
86 described in Subsection (3)(a)(i); ~~and~~

87 (iii) if the declaration of candidacy is for a county office, inform the individual that an

88 individual who holds a county elected office may not, at the same time, hold a municipal
89 elected office[-]; and

90 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
91 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
92 or trust, under authority of the United States or Utah, from being a member of the Legislature.

93 (b) Before accepting a declaration of candidacy for the office of county attorney, the
94 county clerk shall ensure that the individual filing that declaration of candidacy is:

95 (i) a United States citizen;

96 (ii) an attorney licensed to practice law in the state who is an active member in good
97 standing of the Utah State Bar;

98 (iii) a registered voter in the county in which the individual is seeking office; and

99 (iv) a current resident of the county in which the individual is seeking office and either
100 has been a resident of that county for at least one year or was appointed and is currently serving
101 as county attorney and became a resident of the county within 30 days after appointment to the
102 office.

103 (c) Before accepting a declaration of candidacy for the office of district attorney, the
104 county clerk shall ensure that, as of the date of the election, the individual filing that
105 declaration of candidacy is:

106 (i) a United States citizen;

107 (ii) an attorney licensed to practice law in the state who is an active member in good
108 standing of the Utah State Bar;

109 (iii) a registered voter in the prosecution district in which the individual is seeking
110 office; and

111 (iv) a current resident of the prosecution district in which the individual is seeking
112 office and either will have been a resident of that prosecution district for at least one year as of
113 the date of the election or was appointed and is currently serving as district attorney and
114 became a resident of the prosecution district within 30 days after receiving appointment to the
115 office.

116 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
117 county clerk shall ensure that the individual filing the declaration:

118 (i) is a United States citizen;

119 (ii) is a registered voter in the county in which the individual seeks office;
120 (iii) (A) has successfully met the standards and training requirements established for
121 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
122 Certification Act; or

123 (B) has met the waiver requirements in Section 53-6-206;

124 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
125 53-13-103; and

126 (v) as of the date of the election, will have been a resident of the county in which the
127 individual seeks office for at least one year.

128 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
129 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
130 Education member, the filing officer shall ensure~~[-(f)]~~ that the individual filing the declaration
131 of candidacy also makes the conflict of interest disclosure ~~[required by]~~ described in Section
132 20A-11-1603~~[-and]~~.

133 ~~[(ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the~~
134 ~~individual provides the conflict of interest disclosure form to the lieutenant governor in~~
135 ~~accordance with Section 20A-11-1603.]~~

136 (4) If an individual who files a declaration of candidacy does not meet the qualification
137 requirements for the office the individual is seeking, the filing officer may not accept the
138 individual's declaration of candidacy.

139 (5) If an individual who files a declaration of candidacy meets the requirements
140 described in Subsection (3), the filing officer shall:

141 (a) inform the individual that:

142 (i) the individual's name will appear on the ballot as the individual's name is written on
143 the individual's declaration of candidacy;

144 (ii) the individual may be required to comply with state or local campaign finance
145 disclosure laws; and

146 (iii) the individual is required to file a financial statement before the individual's
147 political convention under:

148 (A) Section 20A-11-204 for a candidate for constitutional office;

149 (B) Section 20A-11-303 for a candidate for the Legislature; or

150 (C) local campaign finance disclosure laws, if applicable;

151 (b) except for a presidential candidate, provide the individual with a copy of the current

152 campaign financial disclosure laws for the office the individual is seeking and inform the

153 individual that failure to comply will result in disqualification as a candidate and removal of

154 the individual's name from the ballot;

155 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide

156 Electronic Voter Information Website Program and inform the individual of the submission

157 deadline under Subsection 20A-7-801(4)(a);

158 (d) provide the candidate with a copy of the pledge of fair campaign practices

159 described under Section 20A-9-206 and inform the candidate that:

160 (i) signing the pledge is voluntary; and

161 (ii) signed pledges shall be filed with the filing officer;

162 (e) accept the individual's declaration of candidacy; and

163 (f) if the individual has filed for a partisan office, provide a certified copy of the

164 declaration of candidacy to the chair of the county or state political party of which the

165 individual is a member.

166 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing

167 officer shall:

168 (a) accept the candidate's pledge; and

169 (b) if the candidate has filed for a partisan office, provide a certified copy of the

170 candidate's pledge to the chair of the county or state political party of which the candidate is a

171 member.

172 (7) (a) Except for a candidate for president or vice president of the United States, the

173 form of the declaration of candidacy shall:

174 (i) be substantially as follows:

175 "State of Utah, County of ____

176 I, _____, declare my candidacy for the office of _____, seeking the

177 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to

178 hold the office, both legally and constitutionally, if selected; I reside at _____

179 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

180 knowingly violate any law governing campaigns and elections; if filing via a designated

181 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all
182 campaign financial disclosure reports as required by law; and I understand that failure to do so
183 will result in my disqualification as a candidate for this office and removal of my name from
184 the ballot. The mailing address that I designate for receiving official election notices is

185 _____.

186 _____

187 Subscribed and sworn before me this _____(month\day\year).

188 _____ Notary Public (or other officer qualified to administer oath)."; and

189 (ii) require the candidate to state, in the sworn statement described in Subsection
190 (7)(a)(i):

191 (A) the registered political party of which the candidate is a member; or

192 (B) that the candidate is not a member of a registered political party.

193 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
194 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

195 (8) (a) Except for a candidate for president or vice president of the United States, the
196 fee for filing a declaration of candidacy is:

197 (i) \$50 for candidates for the local school district board; and

198 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
199 person holding the office for all other federal, state, and county offices.

200 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
201 any candidate:

202 (i) who is disqualified; or

203 (ii) who the filing officer determines has filed improperly.

204 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
205 from candidates.

206 (ii) The lieutenant governor shall:

207 (A) apportion to and pay to the county treasurers of the various counties all fees
208 received for filing of nomination certificates or acceptances; and

209 (B) ensure that each county receives that proportion of the total amount paid to the
210 lieutenant governor from the congressional district that the total vote of that county for all
211 candidates for representative in Congress bears to the total vote of all counties within the

212 congressional district for all candidates for representative in Congress.

213 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
214 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
215 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
216 a financial statement filed at the time the affidavit is submitted.

217 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

218 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
219 statement filed under this section shall be subject to the criminal penalties provided under
220 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

221 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
222 considered an offense under this title for the purposes of assessing the penalties provided in
223 Subsection 20A-1-609(2).

224 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
225 substantially the following form:

226 "Affidavit of Impecuniosity

227 Individual Name

228 _____ Address _____

229 Phone Number _____

230 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
231 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
232 law.

233 Date _____ Signature _____

234 Affiant

235 Subscribed and sworn to before me on _____ (month\day\year)

236 _____
237 (signature)

238 Name and Title of Officer Authorized to Administer Oath _____".

239 (v) The filing officer shall provide to a person who requests an affidavit of
240 impecuniosity a statement printed in substantially the following form, which may be included
241 on the affidavit of impecuniosity:

242 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

243 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
244 penalties, will be removed from the ballot."

245 (vi) The filing officer may request that a person who makes a claim of impecuniosity
246 under this Subsection (8)(d) file a financial statement on a form prepared by the election
247 official.

248 (9) An individual who fails to file a declaration of candidacy or certificate of
249 nomination within the time provided in this chapter is ineligible for nomination to office.

250 (10) A declaration of candidacy filed under this section may not be amended or
251 modified after the final date established for filing a declaration of candidacy.

252 Section 2. Section **20A-11-101** is amended to read:

253 **20A-11-101. Definitions.**

254 As used in this chapter:

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

257 (b) "Address" does not include a post office box.

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

259 (a) a person acting on behalf of a reporting entity at the direction of the reporting
260 entity;

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

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

264 (d) a member of the personal campaign committee of a candidate or officeholder in the
265 member's capacity as a member of the personal campaign committee of the candidate or
266 officeholder; or

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

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

271 (4) "Candidate" means any person who:

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

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

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

276 (5) "Chief election officer" means:

277 (a) the lieutenant governor for state office candidates, legislative office candidates,
278 officeholders, political parties, political action committees, corporations, political issues
279 committees, state school board candidates, judges, and labor organizations, as defined in
280 Section [20A-11-1501](#); and

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

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

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

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

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

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

291 (v) remuneration from:

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

293 or

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

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

296 (vii) in-kind contributions.

297 (b) "Contribution" does not include:

298 (i) services provided by individuals volunteering a portion or all of their time on behalf
299 of the filing entity if the services are provided without compensation by the filing entity or any
300 other person;

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

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

305 (7) "Coordinated with" means that goods or services provided for the benefit of a
306 political entity are provided:

- 307 (a) with the political entity's prior knowledge, if the political entity does not object;
- 308 (b) by agreement with the political entity;
- 309 (c) in coordination with the political entity; or
- 310 (d) using official logos, slogans, and similar elements belonging to a political entity.

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

- 314 (i) the purpose of expressly advocating for political purposes; or
- 315 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
316 proposition.

317 (b) "Corporation" does not mean:

- 318 (i) a business organization's political action committee or political issues committee; or
- 319 (ii) a business entity organized as a partnership or a sole proprietorship.

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

323 (10) "County political party officer" means a person whose name is required to be
324 submitted by a county political party to the lieutenant governor in accordance with Section
325 [20A-8-402](#).

326 (11) "Detailed listing" means:

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

328 (i) the name and address of the individual or source making the contribution or public
329 service assistance, except to the extent that the name or address of the individual or source is
330 unknown;

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

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

333 (b) for each expenditure:

334 (i) the amount of the expenditure;

335 ~~[(ii) the person or entity to whom it was disbursed;]~~

336 [(iii)] (ii) the [~~specific purpose, item, or service~~] goods or services acquired by the
337 expenditure; and

338 [(iv)] (iii) the date the expenditure was made.

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

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

344 (13) "Election" means each:

345 (a) regular general election;

346 (b) regular primary election; and

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

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

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

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

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

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

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

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

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

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

365 (v) a transfer of funds between the filing entity and a candidate's personal campaign
366 committee; [or]

367 (vi) goods or services provided by the filing entity to or for the benefit of another
368 reporting entity for political purposes at less than fair market value[-]; or

369 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

370 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

388 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
389 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
390 metro township.

391 (21) "Incorporation election" means the election conducted under Section [10-2a-210](#) or
392 [10-2a-404](#).

393 (22) "Incorporation petition" means a petition described in Section [10-2a-208](#).

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

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

397 (25) "Interim report" means a report identifying the contributions received and

398 expenditures made since the last report.

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

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

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

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

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

410 (28) "Loan" means any of the following provided by a person that benefits a filing
411 entity if the person expects repayment or reimbursement:

412 (a) an expenditure made using any form of payment;

413 (b) money or funds received by the filing entity;

414 (c) the provision of a good or service with an agreement or understanding that payment
415 or reimbursement will be delayed; or

416 (d) use of any line of credit.

417 (29) "Major political party" means either of the two registered political parties that
418 have the greatest number of members elected to the two houses of the Legislature.

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

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

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

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

427 (34) "Personal use expenditure" has the same meaning as provided under Section
428 [20A-11-104](#).

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

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

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

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

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

439 (i) a party committee;

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

442 (iii) an individual;

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

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

447 (vi) a personal campaign committee.

448 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
449 by another person on behalf of and with the knowledge of the reporting entity, to provide
450 political advice to the reporting entity.

451 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
452 where the person:

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

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

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

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

460 (38) "Political entity" means a candidate, a political party, a political action committee,
461 or a political issues committee.

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

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

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

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

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

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

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

476 (iii) an individual;

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

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

481 (vi) a group of individuals who:

482 (A) associate together for the purpose of challenging or supporting a single ballot
483 proposition, ordinance, or other governmental action by a county, city, town, local district,
484 special service district, or other local political subdivision of the state;

485 (B) have a common liberty, property, or financial interest that is directly impacted by
486 the ballot proposition, ordinance, or other governmental action;

487 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),
488 via a legal entity;

489 (D) do not receive funds for challenging or supporting the ballot proposition,
490 ordinance, or other governmental action from a person other than an individual in the group;

491 and

492 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
493 (39)(b)(vi)(A).

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

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

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

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

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

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

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

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

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

510 (41) (a) "Political issues expenditure" means any of the following when made by a
511 political issues committee or on behalf of a political issues committee by an agent of the
512 reporting entity:

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

515 (A) a ballot proposition; or

516 (B) an incorporation petition or incorporation election;

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

519 (A) a ballot proposition; or

520 (B) an incorporation petition or incorporation election;

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

522 political issues expenditure;

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

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

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

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

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

532 (42) "Political purposes" means an act done with the intent or in a way to influence or
533 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
534 against any:

535 (a) candidate or a person seeking a municipal or county office at any caucus, political
536 convention, or election; or

537 (b) judge standing for retention at any election.

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

542 (b) "Poll" does not include:

543 (i) a ballot; or

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

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

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

547 (44) "Primary election" means any regular primary election held under the election
548 laws.

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

553 individuals are listed.

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

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

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

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

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

566 (i) anything provided by the state;

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

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

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

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

575 (48) "Receipts" means contributions and public service assistance.

576 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
577 Lobbyist Disclosure and Regulation Act.

578 (50) "Registered political action committee" means any political action committee that
579 is required by this chapter to file a statement of organization with the Office of the Lieutenant
580 Governor.

581 (51) "Registered political issues committee" means any political issues committee that
582 is required by this chapter to file a statement of organization with the Office of the Lieutenant
583 Governor.

584 (52) "Registered political party" means an organization of voters that:
585 (a) participated in the last regular general election and polled a total vote equal to 2%
586 or more of the total votes cast for all candidates for the United States House of Representatives
587 for any of its candidates for any office; or

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

590 (53) (a) "Remuneration" means a payment:

591 (i) made to a legislator for the period the Legislature is in session; and
592 (ii) that is approximately equivalent to an amount a legislator would have earned
593 during the period the Legislature is in session in the legislator's ordinary course of business.

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

595 (i) the legislator's primary employer in the ordinary course of business; or
596 (ii) a person or entity in the ordinary course of business:

597 (A) because of the legislator's ownership interest in the entity; or
598 (B) for services rendered by the legislator on behalf of the person or entity.

599 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,
600 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
601 action committee, a political issues committee, a corporation, or a labor organization, as
602 defined in Section [20A-11-1501](#).

603 (55) "School board office" means the office of state school board.

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

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

609 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
610 state auditor, and state treasurer.

611 (58) "State office candidate" means a person who:

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

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

615 appointment to a state office.

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

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

620 Section 3. Section **20A-11-101.3** is amended to read:

621 **20A-11-101.3. Detailed listing and report requirements -- Rulemaking authority.**

622 (1) As used in this section:

623 (a) "Advertising" includes:

624 (i) website development and maintenance;

625 (ii) social media;

626 (iii) television, newspaper, or radio; or

627 (iv) a convention booth.

628 (b) "Association expense" means a membership fee for:

629 (i) a political association; or

630 (ii) an association related to an activity of a candidate or an officeholder.

631 (c) "Campaign Expense" includes:

632 (i) district mapping;

633 (ii) voter data;

634 (iii) a phone bank;

635 (iv) fund-raising expenses;

636 (v) campaign assistance or consulting;

637 (vi) campaign technology;

638 (vii) campaign management;

639 (viii) campaign interns; or

640 (ix) food, and related expenses, purchased:

641 (A) for a campaign event; or

642 (B) for consumption by a candidate or campaign staff while conducting work relating
643 to a campaign.

644 (d) "Donations" includes giving to a charitable organization.

645 (e) "Loans" includes repaying loans.

- 646 (f) "Office expense" includes:
647 (i) an email server;
648 (ii) phones;
649 (iii) phone service;
650 (iv) computers;
651 (v) printers;
652 (vi) furniture;
653 (vii) tools and hardware; or
654 (viii) food, and related expenses, purchased for consumption during an officeholder
655 activity.
- 656 (g) "Political support" includes contributions made to other candidates or political
657 action committees.
- 658 (h) "Supplies" includes:
659 (i) signs;
660 (ii) sign holders;
661 (iii) parade supplies;
662 (iv) t-shirts;
663 (v) other campaign goods;
664 (vi) repair or replacement of clothing that is damaged while the candidate or
665 officeholder is engaged in an activity of a candidate or an officeholder;
666 (vii) printed materials; or
667 (viii) postage.
- 668 (i) "Travel expenses" includes:
669 (i) political conference registration;
670 (ii) airfare;
671 (iii) hotels;
672 (iv) food, and related expenses, purchased for consumption during travel;
673 (v) vehicle mileage reimbursement; or
674 (vi) incidental expenses while traveling.
- 675 (2) As it relates to an expenditure, a detailed listing includes identifying the
676 expenditure as falling within one of the following categories:

- 677 (a) advertising;
- 678 (b) association expense;
- 679 (c) campaign expense;
- 680 (d) constituent services;
- 681 (e) donations;
- 682 (f) loans;
- 683 (g) office;
- 684 (h) political support;
- 685 (i) return of a contribution;
- 686 (j) signature gathering;
- 687 (k) supplies;
- 688 (l) travel expenses; or
- 689 (m) other expenditures that do not fall within a category described in Subsections
- 690 (2)(a) through (l), followed by a description of the expenditure.

691 (3) The director of elections, within the Lieutenant Governor's Office, may make rules,
 692 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to
 693 the form, type, and level of detail required in a detailed listing or a financial disclosure form.

694 Section 4. Section **20A-11-104** is amended to read:

695 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**
 696 **campaign funds -- Enforcement -- Penalties.**

697 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

698 (i) (A) is not excluded from the definition of personal use expenditure by Subsection
 699 (2); and

700 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's
 701 or officeholder's family, which interest is not connected with the performance of an activity as
 702 a candidate or an activity or duty of an officeholder; or

703 (ii) would likely cause the candidate or officeholder to recognize the expenditure as
 704 taxable income under federal or state law.

705 (b) "Personal use expenditure" includes:

706 (i) a mortgage, rent, utility, or vehicle payment;

707 (ii) a household food item or supply;

708 ~~[(iii) clothing, except for clothing:]~~
709 (iii) a clothing expense, except:
710 (A) clothing bearing the candidate's name or campaign slogan or logo~~[-and (B)]~~ that is
711 used in the candidate's campaign; or
712 (B) repair or replacement of clothing that is damaged while the candidate or
713 officeholder is engaged in an activity of a candidate or officeholder;
714 (iv) an admission to a sporting, artistic, or recreational event or other form of
715 entertainment;
716 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
717 (vi) a salary payment made to:
718 (A) a candidate or officeholder; or
719 (B) a person who has not provided a bona fide service to a candidate or officeholder;
720 (vii) a vacation;
721 (viii) a vehicle expense;
722 (ix) a meal expense;
723 (x) a travel expense;
724 (xi) a payment of an administrative, civil, or criminal penalty;
725 (xii) a satisfaction of a personal debt;
726 (xiii) a personal service, including the service of an attorney, accountant, physician, or
727 other professional person;
728 (xiv) a membership fee for a professional or service organization; and
729 (xv) a payment in excess of the fair market value of the item or service purchased.
730 (2) As used in this chapter, "personal use expenditure" does not [~~mean~~] include an
731 expenditure made:
732 (a) for a political purpose;
733 (b) for candidacy for public office;
734 (c) to fulfill a duty or activity of an officeholder;
735 (d) for a donation to a registered political party;
736 (e) for a contribution to another candidate's campaign account, including sponsorship
737 of or attendance at an event, the primary purpose of which is to solicit a contribution for
738 another candidate's campaign account;

- 739 (f) to return all or a portion of a contribution to a contributor;
- 740 (g) for the following items, if made in connection with the candidacy for public office
741 or an activity or duty of an officeholder:
- 742 (i) (A) a mileage allowance at the rate established by the Division of Finance under
743 Section [63A-3-107](#); or
- 744 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
- 745 ~~[(ii) a meal expense;]~~
- 746 ~~[(iii) a travel expense, including an expense incurred for airfare or a rental vehicle;]~~
- 747 (ii) a food expense, including food or beverages:
- 748 (A) served at a campaign event;
- 749 (B) served at a charitable event;
- 750 (C) consumed, or provided to others, by a candidate while the candidate is engaged in
751 campaigning;
- 752 (D) consumed, or provided to others, by an officeholder while the officeholder is acting
753 in the capacity of an officeholder; or
- 754 (E) provided as a gift to an individual who works on a candidate's campaign or who
755 assists an officeholder in the officeholder's capacity as an officeholder;
- 756 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the
757 candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses
758 incidental to the travel;
- 759 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of
760 the travel by the individual is to assist the candidate with the candidate's campaign, including
761 an expense described in Subsection (2)(g)(iii);
- 762 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to
763 an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 764 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose
765 of the travel by the individual is to assist the officeholder in an activity or duty of an
766 officeholder, including an expense described in Subsection (2)(g)(iii);
- 767 ~~[(iv)]~~ (vii) a payment for a service provided by an attorney or accountant;
- 768 ~~[(v)]~~ (viii) a tuition payment or registration fee for participation in a meeting or
769 conference;

- 770 [~~(vi)~~] (ix) a gift;
- 771 [~~(vii)~~] (x) a payment for the following items in connection with an office space:
- 772 (A) rent;
- 773 (B) utilities;
- 774 (C) a supply; or
- 775 (D) furnishing;
- 776 [~~(viii)~~] (xi) a booth at a meeting or event; [~~or~~]
- 777 [~~(ix)~~] (xii) educational material; or
- 778 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of
- 779 an officeholder;
- 780 (h) to purchase or mail informational material, a survey, or a greeting card;
- 781 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 782 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 783 as defined in Section 13-22-2;
- 784 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 785 candidate's campaign account;
- 786 (k) to pay membership dues to a national organization whose primary purpose is to
- 787 address general public policy;
- 788 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 789 promote the social, educational, or economic well-being of the state or the candidate's or
- 790 officeholder's community;
- 791 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 792 or conference described in this Subsection (2), including related travel expenses and other
- 793 expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv)
- 794 or (vi); or
- 795 (n) to pay childcare expenses of:
- 796 (i) a candidate while the candidate is engaging in campaign activity; or
- 797 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- 798 (3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use
- 799 expenditure by:
- 800 (i) evaluating a financial statement to identify a personal use expenditure; and

801 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
802 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to
803 believe a candidate or officeholder has made a personal use expenditure.

804 (b) Following the proceeding, the lieutenant governor may issue a signed order
805 requiring a candidate or officeholder who has made a personal use expenditure to:

806 (i) remit an administrative penalty of an amount equal to 50% of the personal use
807 expenditure to the lieutenant governor; and

808 (ii) deposit the amount of the personal use expenditure in the campaign account from
809 which the personal use expenditure was disbursed.

810 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in
811 the General Fund.

812 Section 5. Section **20A-11-201** is amended to read:

813 **20A-11-201. State office -- Separate bank account for campaign funds -- No**
814 **personal use -- State office candidate reporting deadline -- Report other accounts --**
815 **Anonymous contributions.**

816 (1) (a) Each state office candidate or the candidate's personal campaign committee
817 shall deposit each contribution received in one or more separate campaign accounts in a
818 financial institution.

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

821 (i) a personal use expenditure; or

822 (ii) an expenditure prohibited by law.

823 (c) Each state officeholder or the state officeholder's personal campaign committee
824 shall deposit each contribution and public service assistance received in one or more separate
825 campaign accounts in a financial institution.

826 (d) A state officeholder or a state officeholder's personal campaign committee may not
827 use money deposited in a campaign account for:

828 (i) a personal use expenditure; or

829 (ii) an expenditure prohibited by law.

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

832 (b) A state officeholder or the state officeholder's personal campaign committee may
833 not deposit or mingle any contributions or public service assistance received into a personal or
834 business account.

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

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

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

847 (5) (a) As used in this Subsection (5) [~~and Section 20A-11-204, "received" means:~~],
848 "received means the same as that term is defined in Subsection 20A-11-204(1)(b).

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

851 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable
852 instrument or check is negotiated; and]~~

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

855 (b) Each state office candidate shall report to the lieutenant governor each contribution
856 received by the state office candidate:

857 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which
858 the contribution is received; or

859 (ii) within [~~three~~] seven business days after the day on which the contribution is
860 received, if:

861 (A) the state office candidate is contested in a convention and the contribution is
862 received within 30 days before the day on which the convention is held;

863 (B) the state office candidate is contested in a primary election and the contribution is
864 received within 30 days before the day on which the primary election is held; or

865 (C) the state office candidate is contested in a general election and the contribution is
866 received within 30 days before the day on which the general election is held.

867 (c) Except as provided in Subsection (5)(d), for each contribution that a state office
868 candidate fails to report within the time period described in Subsection (5)(b), the lieutenant
869 governor shall impose a fine against the state office candidate in an amount equal to:

870 (i) 10% of the amount of the contribution, if the state office candidate reports the
871 contribution within 60 days after the day on which the time period described in Subsection
872 (5)(b) ends; or

873 (ii) 20% of the amount of the contribution, if the state office candidate fails to report
874 the contribution within 60 days after the day on which the time period described in Subsection
875 (5)(b) ends.

876 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and
877 issue a warning to the state office candidate if:

878 (i) the contribution that the state office candidate fails to report is paid by the state
879 office candidate from the state office candidate's personal funds;

880 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to
881 a contribution paid by the state office candidate from the state office candidate's personal
882 funds; and

883 (iii) the lieutenant governor determines that the failure to timely report the contribution
884 is due to the state office candidate not understanding that the reporting requirement includes a
885 contribution paid by a state office candidate from the state office candidate's personal funds.

886 (e) The lieutenant governor shall:

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

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

890 (A) each fine imposed by the lieutenant governor against the state office candidate;

891 (B) the amount of the fine;

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

893 (D) the date of the contribution.

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

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

897 (ii) into which or from which a person who, as a candidate for an office, other than the
898 state office for which the person files a declaration of candidacy or federal office, or as a holder
899 of an office, other than a state office for which the person files a declaration of candidacy or
900 federal office, deposits a contribution or makes an expenditure.

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

903 (i) a contribution deposited in an account:

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

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

906 (ii) an expenditure made from an account:

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

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

909 (7) Within 31 days after receiving a contribution that is cash or a negotiable
910 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
911 the amount of the contribution to ~~[(a) the treasurer of the state or a political subdivision for
912 deposit into the state's or political subdivision's general fund; or (b)]~~ an organization that is
913 exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

914 Section 6. Section **20A-11-204** is amended to read:

915 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
916 **requirements -- Interim reports.**

917 (1) As used in this section:

918 (a) "Campaign account" means a separate campaign account required under Subsection
919 20A-11-201(1)(a) or (c).

920 (b) "Received" means:

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

923 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
924 instrument or check is negotiated;

925 (iii) for a direct deposit made into a campaign account by a person not associated with
926 the campaign, the earlier of:

927 (A) the day on which the state office candidate or a member of the state office
928 candidate's personal campaign committee becomes aware of the deposit and the source of the
929 deposit;

930 (B) the day on which the state office candidate or a member of the state office
931 candidate's personal campaign committee receives notice of the deposit and the source of the
932 deposit by mail, email, text, or similar means; or

933 (C) thirty-one days after the day on which the direct deposit occurs; or

934 (iv) for any other type of contribution, that any portion of the contribution's benefit
935 inures to the state office candidate.

936 ~~[(+)]~~ (2) Except as provided in Subsection ~~[(2)]~~ (3), each state office candidate shall
937 file an interim report at the following times in any year in which the candidate has filed a
938 declaration of candidacy for a public office:

939 (a) (i) seven days before the candidate's political convention; or

940 (ii) for an unaffiliated candidate, the fourth Saturday in March;

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

942 (c) September 30; and

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

944 ~~[(2)]~~ (3) If a state office candidate is a state office candidate seeking appointment for a
945 midterm vacancy, the state office candidate:

946 (a) shall file an interim report:

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

950 (B) two days before the day on which the political party of the party for which the state
951 office candidate seeks nomination meets to declare a nominee for the governor to appoint in
952 accordance with Subsection 20A-1-504(1)(b)(i); or

953 (ii) if a state office candidate decides to seek the appointment with less than seven days
954 before the party meets, or the political party schedules the meeting to declare a nominee less
955 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business

956 before the day on which the party meets; and

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

958 ~~[(3)(a) As used in this Subsection (3), "campaign account" means a separate campaign~~
959 ~~account required under Subsection 20A-11-201(1)(a) or (c).]~~

960 ~~[(b) Each state officeholder who has a campaign account that has not been dissolved~~
961 ~~under Section 20A-11-205 shall, in an even year, file an interim report at the following times;~~
962 ~~regardless of whether an election for the state officeholder's office is held that year.]~~

963 ~~[(i) (A) seven days before the political convention for the political party of the state~~
964 ~~officeholder; or]~~

965 ~~[(B) for an unaffiliated state officeholder, the fourth Saturday in March;]~~

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

967 ~~[(iii) September 30; and]~~

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

969 (4) Each interim report shall include the following information:

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

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

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

975 (d) a detailed listing of:

976 (i) for a state office candidate, each contribution received since the last summary report
977 that has not been reported in detail on a prior interim report; or

978 (ii) for a state officeholder, each contribution and public service assistance received
979 since the last summary report that has not been reported in detail on a prior interim report;

980 (e) for each nonmonetary contribution:

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

983 (ii) a specific description of the contribution;

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

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

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

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

991 (i) beginning balance;

992 (ii) total contributions and public service assistance received during the period since
993 the last statement;

994 (iii) total contributions and public service assistance received to date;

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

996 (v) total expenditures to date; and

997 (j) the name of a political action committee for which the state office candidate or state
998 officeholder is designated as an officer who has primary decision-making authority under
999 Section [20A-11-601](#).

1000 (5) (a) In preparing each interim report, all receipts and expenditures shall be reported
1001 as of five days before the required filing date of the report.

1002 (b) Any negotiable instrument or check received by a state office candidate or state
1003 officeholder more than five days before the required filing date of a report required by this
1004 section shall be included in the interim report.

1005 Section 7. Section **20A-11-206** is amended to read:

1006 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1007 (1) A state office candidate who fails to file a financial statement before the deadline is
1008 subject to a fine imposed in accordance with Section [20A-11-1005](#).

1009 (2) If a state office candidate fails to file an interim report described in Subsections
1010 [20A-11-204](#)~~(1)~~(2)(b) through (d), the lieutenant governor may send an electronic notice to the
1011 state office candidate and the political party of which the state office candidate is a member, if
1012 any, that states:

1013 (a) that the state office candidate failed to timely file the report; and

1014 (b) that, if the state office candidate fails to file the report within 24 hours after the
1015 deadline for filing the report, the state office candidate will be disqualified and the political
1016 party will not be permitted to replace the candidate.

1017 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the

1018 county clerk and other appropriate election officials that the state office candidate is
1019 disqualified if the state office candidate fails to file an interim report described in Subsections
1020 20A-11-204~~(1)~~(2)(b) through (d) within 24 hours after the deadline for filing the report.

1021 (b) The political party of a state office candidate who is disqualified under Subsection
1022 (3)(a) may not replace the state office candidate.

1023 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election
1024 official shall:

1025 (i) remove the state office candidate's name from the ballot; or

1026 (ii) if removing the state office candidate's name from the ballot is not practicable,
1027 inform the voters by any practicable method that the state office candidate has been
1028 disqualified and that votes cast for the state office candidate will not be counted.

1029 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
1030 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
1031 written notice directing the voter to a public website that will inform the voter whether a
1032 candidate on the ballot is disqualified.

1033 (5) A state office candidate is not disqualified if:

1034 (a) the state office candidate timely files the reports described in Subsections
1035 20A-11-204~~(1)~~(2)(b) through (d) no later than 24 hours after the applicable deadlines for
1036 filing the reports;

1037 (b) the reports are completed, detailing accurately and completely the information
1038 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1039 and

1040 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
1041 an amended report or the next scheduled report.

1042 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant
1043 governor shall review each filed summary report to ensure that:

1044 (i) each state office candidate that is required to file a summary report has filed one;
1045 and

1046 (ii) each summary report contains the information required by this part.

1047 (b) If it appears that any state office candidate has failed to file the summary report
1048 required by law, if it appears that a filed summary report does not conform to the law, or if the

1049 lieutenant governor has received a written complaint alleging a violation of the law or the
1050 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1051 violation or receipt of a written complaint, notify the state office candidate of the violation or
1052 written complaint and direct the state office candidate to file a summary report correcting the
1053 problem.

1054 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
1055 report within seven days after receiving notice from the lieutenant governor described in this
1056 Subsection (6).

1057 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
1058 misdemeanor.

1059 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
1060 attorney general.

1061 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
1062 governor shall impose a civil fine of \$100 against a state office candidate who violates
1063 Subsection (6)(c)(i).

1064 Section 8. Section **20A-11-301** is amended to read:

1065 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**
1066 **a political action committee officer -- No personal use -- Contribution reporting deadline**
1067 **-- Report other accounts -- Anonymous contributions.**

1068 (1) (a) (i) Each legislative office candidate shall deposit each contribution received in
1069 one or more separate accounts in a financial institution that are dedicated only to that purpose.

1070 (ii) A legislative office candidate may:

1071 (A) receive a contribution from a political action committee registered under Section
1072 [20A-11-601](#); and

1073 (B) be designated by a political action committee as an officer who has primary
1074 decision-making authority as described in Section [20A-11-601](#).

1075 (b) A legislative office candidate or the candidate's personal campaign committee may
1076 not use money deposited in an account described in Subsection (1)(a)(i) for:

1077 (i) a personal use expenditure; or

1078 (ii) an expenditure prohibited by law.

1079 (c) (i) Each legislative officeholder shall deposit each contribution and public service

1080 assistance received in one or more separate accounts in a financial institution that are dedicated
1081 only to that purpose.

1082 (ii) A legislative officeholder may:

1083 (A) receive a contribution or public service assistance from a political action

1084 committee registered under Section 20A-11-601; and

1085 (B) be designated by a political action committee as an officer who has primary
1086 decision-making authority as described in Section 20A-11-601.

1087 (d) A legislative officeholder or the legislative officeholder's personal campaign
1088 committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

1089 (i) a personal use expenditure; or

1090 (ii) an expenditure prohibited by law.

1091 (2) (a) A legislative office candidate may not deposit or mingle any contributions
1092 received into a personal or business account.

1093 (b) A legislative officeholder may not deposit or mingle any contributions or public
1094 service assistance received into a personal or business account.

1095 (3) If a person who is no longer a legislative candidate chooses not to expend the
1096 money remaining in a campaign account, the person shall continue to file the year-end
1097 summary report required by Section 20A-11-302 until the statement of dissolution and final
1098 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

1099 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
1100 is no longer a legislative office candidate may not expend or transfer the money in a campaign
1101 account in a manner that would cause the former legislative office candidate to recognize the
1102 money as taxable income under federal tax law.

1103 (b) A person who is no longer a legislative office candidate may transfer the money in
1104 a campaign account in a manner that would cause the former legislative office candidate to
1105 recognize the money as taxable income under federal tax law if the transfer is made to a
1106 campaign account for federal office.

1107 (5) (a) As used in this Subsection (5) [~~and Section 20A-11-303, "received" means:~~],
1108 "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).

1109 [~~(i) for a cash contribution, that the cash is given to a legislative office candidate or a~~
1110 ~~member of the candidate's personal campaign committee;~~]

1111 ~~[(ii) for a contribution that is a negotiable instrument or check, that the negotiable~~
1112 ~~instrument or check is negotiated; and]~~

1113 ~~[(iii) for any other type of contribution, that any portion of the contribution's benefit~~
1114 ~~inures to the legislative office candidate.]~~

1115 (b) Each legislative office candidate shall report to the lieutenant governor each
1116 contribution received by the legislative office candidate:

1117 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which
1118 the contribution is received; or

1119 (ii) within [~~three~~] seven business days after the day on which the contribution is
1120 received, if:

1121 (A) the legislative office candidate is contested in a convention and the contribution is
1122 received within 30 days before the day on which the convention is held;

1123 (B) the legislative office candidate is contested in a primary election and the
1124 contribution is received within 30 days before the day on which the primary election is held; or

1125 (C) the legislative office candidate is contested in a general election and the
1126 contribution is received within 30 days before the day on which the general election is held.

1127 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative
1128 office candidate fails to report within the time period described in Subsection (5)(b), the
1129 lieutenant governor shall impose a fine against the legislative office candidate in an amount
1130 equal to:

1131 (i) 10% of the amount of the contribution, if the legislative office candidate reports the
1132 contribution within 60 days after the day on which the time period described in Subsection
1133 (5)(b) ends; or

1134 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to
1135 report the contribution within 60 days after the day on which the time period described in
1136 Subsection (5)(b) ends.

1137 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and
1138 issue a warning to the legislative office candidate if:

1139 (i) the contribution that the legislative office candidate fails to report is paid by the
1140 legislative office candidate from the legislative office candidate's personal funds;

1141 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in

1142 relation to a contribution paid by the legislative office candidate from the legislative office
1143 candidate's personal funds; and

1144 (iii) the lieutenant governor determines that the failure to timely report the contribution
1145 is due to the legislative office candidate not understanding that the reporting requirement
1146 includes a contribution paid by a legislative office candidate from the legislative office
1147 candidate's personal funds.

1148 (e) The lieutenant governor shall:

1149 (i) deposit money received under Subsection (5)(c) into the General Fund; and

1150 (ii) report on the lieutenant governor's website, in the location where reports relating to
1151 each legislative office candidate are available for public access:

1152 (A) each fine imposed by the lieutenant governor against the legislative office
1153 candidate;

1154 (B) the amount of the fine;

1155 (C) the amount of the contribution to which the fine relates; and

1156 (D) the date of the contribution.

1157 (6) Within 31 days after receiving a contribution that is cash or a negotiable
1158 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall
1159 disburse the amount of the contribution to ~~[(a) the treasurer of the state or a political~~
1160 ~~subdivision for deposit into the state's or political subdivision's general fund; or (b)]~~ an
1161 organization that is exempt from federal income taxation under Section 501(c)(3), Internal
1162 Revenue Code.

1163 (7) (a) As used in this Subsection (7), "account" means an account in a financial
1164 institution:

1165 (i) that is not described in Subsection (1)(a)(i); and

1166 (ii) into which or from which a person who, as a candidate for an office, other than a
1167 legislative office for which the person files a declaration of candidacy or federal office, or as a
1168 holder of an office, other than a legislative office for which the person files a declaration of
1169 candidacy or federal office, deposits a contribution or makes an expenditure.

1170 (b) A legislative office candidate shall include on any financial statement filed in
1171 accordance with this part:

1172 (i) a contribution deposited in an account:

- 1173 (A) since the last campaign finance statement was filed; or
- 1174 (B) that has not been reported under a statute or ordinance that governs the account; or
- 1175 (ii) an expenditure made from an account:

- 1176 (A) since the last campaign finance statement was filed; or
- 1177 (B) that has not been reported under a statute or ordinance that governs the account.

1178 Section 9. Section **20A-11-303** is amended to read:

1179 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
1180 **reporting requirements -- Interim reports.**

1181 [~~(1)(a)~~ As used in this Subsection (1), "campaign]

1182 (1) As used in this section:

1183 (a) "Campaign account" means a separate campaign account required under Subsection
1184 20A-11-301(1)(a)(i) or (c)(i).

1185 (b) "Received" means:

1186 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
1187 member of the legislative office candidate's personal campaign committee;

1188 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1189 instrument or check is negotiated;

1190 (iii) for a direct deposit made into a campaign account by a person not associated with
1191 the campaign, the earlier of:

1192 (A) the day on which the legislative office candidate or a member of the legislative
1193 office candidate's personal campaign committee becomes aware of the deposit and the source
1194 of the deposit;

1195 (B) the day on which the legislative office candidate or a member of the legislative
1196 office candidate's personal campaign committee receives notice of the deposit and the source of
1197 the deposit by mail, email, text, or similar means; or

1198 (C) 31 days after the day on which the direct deposit occurs; or

1199 (iv) for any other type of contribution, that any portion of the contribution's benefit
1200 inures to the legislative office candidate.

1201 ~~[(b)]~~ (2) Except as provided in Subsection ~~[(2)]~~ (3), each legislative office candidate
1202 shall file an interim report at the following times in any year in which the candidate has filed a
1203 declaration of candidacy for a public office:

1204 ~~[(i)(A)]~~ (a) (i) seven days before the candidate's political convention; or
1205 ~~[(B)]~~ (ii) for an unaffiliated candidate, the fourth Saturday in March;
1206 ~~[(ii)]~~ (b) seven days before the regular primary election date;
1207 ~~[(iii)]~~ (c) September 30; and
1208 ~~[(iv)]~~ (d) seven days before the regular general election date.
1209 ~~[(c) Each legislative officeholder who has a campaign account that has not been~~
1210 ~~dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the~~
1211 ~~following times, regardless of whether an election for the legislative officeholder's office is~~
1212 ~~held that year:]~~
1213 ~~[(i)(A) seven days before the political convention for the political party of the~~
1214 ~~legislative officeholder; or]~~
1215 ~~[(B) for an unaffiliated legislative officeholder, the fourth Saturday in March;]~~
1216 ~~[(ii) seven days before the regular primary election date for that year;]~~
1217 ~~[(iii) September 30; and]~~
1218 ~~[(iv) seven days before the regular general election date.]~~
1219 ~~[(2)]~~ (3) If a legislative office candidate is a legislative office candidate seeking
1220 appointment for a midterm vacancy, the legislative office candidate:
1221 (a) shall file an interim report:
1222 (i) (A) seven days before the day on which the political party of the party for which the
1223 legislative office candidate seeks nomination meets to declare a nominee for the governor to
1224 appoint in accordance with Section 20A-1-503; and
1225 (B) two days before the day on which the political party of the party for which the
1226 legislative office candidate seeks nomination meets to declare a nominee for the governor to
1227 appoint in accordance with Section 20A-1-503; or
1228 (ii) if the legislative office candidate decides to seek the appointment with less than
1229 seven days before the party meets, or the political party schedules the meeting to declare a
1230 nominee less than seven days before the day of the meeting, two days before the day on which
1231 the party meets; and
1232 (b) is not required to file an interim report at the times described in Subsection ~~[(1)(b)]~~
1233 (2)(a).
1234 ~~[(3)]~~ (4) Each interim report shall include the following information:

- 1235 (a) the net balance of the last summary report, if any;
- 1236 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1237 reports, if any, during the calendar year in which the interim report is due;
- 1238 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1239 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1240 (d) a detailed listing of:
 - 1241 (i) for a legislative office candidate, each contribution received since the last summary
 - 1242 report that has not been reported in detail on a prior interim report; or
 - 1243 (ii) for a legislative officeholder, each contribution and public service assistance
 - 1244 received since the last summary report that has not been reported in detail on a prior interim
 - 1245 report;
- 1246 (e) for each nonmonetary contribution:
 - 1247 (i) the fair market value of the contribution with that information provided by the
 - 1248 contributor; and
 - 1249 (ii) a specific description of the contribution;
- 1250 (f) a detailed listing of each expenditure made since the last summary report that has
- 1251 not been reported in detail on a prior interim report;
- 1252 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1253 (h) a net balance for the year consisting of the net balance from the last summary
- 1254 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1255 last summary report;
 - 1256 (i) a summary page in the form required by the lieutenant governor that identifies:
 - 1257 (i) beginning balance;
 - 1258 (ii) total contributions and public service assistance received during the period since
 - 1259 the last statement;
 - 1260 (iii) total contributions and public service assistance received to date;
 - 1261 (iv) total expenditures during the period since the last statement; and
 - 1262 (v) total expenditures to date; and
 - 1263 (j) the name of a political action committee for which the legislative office candidate or
 - 1264 legislative officeholder is designated as an officer who has primary decision-making authority
 - 1265 under Section [20A-11-601](#).

1266 [4] (5) (a) In preparing each interim report, all receipts and expenditures shall be
1267 reported as of five days before the required filing date of the report.

1268 (b) Any negotiable instrument or check received by a legislative office candidate or
1269 legislative officeholder more than five days before the required filing date of a report required
1270 by this section shall be included in the interim report.

1271 Section 10. Section **20A-11-305** is amended to read:

1272 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

1273 (1) A legislative office candidate who fails to file a financial statement before the
1274 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

1275 (2) If a legislative office candidate fails to file an interim report described in
1276 Subsections **20A-11-303**~~[(1)(b)(ii) through (iv)]~~(2)(b) through (d), the lieutenant governor may
1277 send an electronic notice to the legislative office candidate and the political party of which the
1278 legislative office candidate is a member, if any, that states:

1279 (a) that the legislative office candidate failed to timely file the report; and

1280 (b) that, if the legislative office candidate fails to file the report within 24 hours after
1281 the deadline for filing the report, the legislative office candidate will be disqualified and the
1282 political party will not be permitted to replace the candidate.

1283 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
1284 inform the county clerk and other appropriate election officials that the legislative office
1285 candidate is disqualified if the legislative office candidate fails to file an interim report
1286 described in Subsections **20A-11-303**~~[(1)(b)(ii) through (iv)]~~(2)(b) through (d) within 24 hours
1287 after the deadline for filing the report.

1288 (b) The political party of a legislative office candidate who is disqualified under
1289 Subsection (3)(a) may not replace the legislative office candidate.

1290 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the
1291 election officer shall:

1292 (i) remove the legislative office candidate's name from the ballot; or

1293 (ii) if removing the legislative office candidate's name from the ballot is not
1294 practicable, inform the voters by any practicable method that the legislative office candidate
1295 has been disqualified and that votes cast for the legislative office candidate will not be counted.

1296 (b) An election official may fulfill the requirement described in Subsection (4)(a) in

1297 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
1298 written notice directing the voter to a public website that will inform the voter whether a
1299 candidate on the ballot is disqualified.

1300 (5) A legislative office candidate is not disqualified if:

1301 (a) the legislative office candidate files the reports described in Subsections
1302 ~~20A-11-303(1)(b)(ii) through (iv)]~~20A-11-303(2)(b) through (d) no later than 24 hours after the applicable
1303 deadlines for filing the reports;

1304 (b) the reports are completed, detailing accurately and completely the information
1305 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1306 and

1307 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
1308 an amended report or the next scheduled report.

1309 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant
1310 governor shall review each filed summary report to ensure that:

1311 (i) each legislative office candidate that is required to file a summary report has filed
1312 one; and

1313 (ii) each summary report contains the information required by this part.

1314 (b) If it appears that any legislative office candidate has failed to file the summary
1315 report required by law, if it appears that a filed summary report does not conform to the law, or
1316 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1317 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1318 violation or receipt of a written complaint, notify the legislative office candidate of the
1319 violation or written complaint and direct the legislative office candidate to file a summary
1320 report correcting the problem.

1321 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary
1322 report within seven days after receiving notice from the lieutenant governor described in this
1323 Subsection (6).

1324 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a
1325 class B misdemeanor.

1326 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
1327 attorney general.

1328 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
1329 governor shall impose a civil fine of \$100 against a legislative office candidate who violates
1330 Subsection (6)(c)(i).

1331 Section 11. Section **20A-11-403** is amended to read:

1332 **20A-11-403. Failure to file -- Penalties.**

1333 (1) Within 60 days after a deadline for the filing of a summary report, the lieutenant
1334 governor shall review each filed summary report to ensure that:

1335 (a) each officeholder that is required to file a summary report has filed one; and

1336 (b) each summary report contains the information required by this part.

1337 (2) If it appears that any officeholder has failed to file the summary report required by
1338 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1339 governor has received a written complaint alleging a violation of the law or the falsity of any
1340 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1341 violation has occurred:

1342 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1343 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1344 the officeholder of the violation or written complaint and direct the officeholder to file a
1345 summary report correcting the problem.

1346 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1347 within seven days after receiving notice from the lieutenant governor under this section.

1348 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1349 misdemeanor.

1350 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1351 attorney general.

1352 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1353 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1354 (3)(a).

1355 ~~[(4) Within 60 days after a deadline for the filing of an interim report by an~~
1356 ~~officeholder under Subsection [20A-11-204](#)(2), [20A-11-303](#)(1)(c), or [20A-11-1303](#)(1)(d), the~~
1357 ~~lieutenant governor shall review each filed interim report to ensure that each interim report~~
1358 ~~contains the information required for the report.]~~

1359 ~~[(5) If it appears that any officeholder has failed to file an interim report required by~~
1360 ~~law, if it appears that a filed interim report does not conform to the law, or if the lieutenant~~
1361 ~~governor has received a written complaint alleging a violation of the law or the falsity of any~~
1362 ~~interim report, the lieutenant governor shall, if the lieutenant governor determines that a~~
1363 ~~violation has occurred:]~~

1364 ~~[(a) impose a fine against the filing entity in accordance with Section 20A-11-1005;~~
1365 ~~and]~~

1366 ~~[(b) within five days after the day on which the violation is discovered or a written~~
1367 ~~complaint is received, notify the officeholder of the violation or written complaint and direct~~
1368 ~~the officeholder to file an interim report correcting the problem.]~~

1369 ~~[(6) (a) It is unlawful for any officeholder to fail to file or amend an interim report~~
1370 ~~within seven days after the day on which the officeholder receives notice from the lieutenant~~
1371 ~~governor under this section.]~~

1372 ~~[(b) Each officeholder who violates Subsection (6)(a) is guilty of a class B~~
1373 ~~misdemeanor.]~~

1374 ~~[(c) The lieutenant governor shall report all violations of Subsection (6)(a) to the~~
1375 ~~attorney general.]~~

1376 ~~[(d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant~~
1377 ~~governor shall impose a civil fine of \$100 against an officeholder who violates Subsection~~
1378 ~~(6)(a).]~~

1379 Section 12. Section 20A-11-705 is amended to read:

1380 **20A-11-705. Notice of in-kind contributions.**

1381 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
1382 accordance with Subsection (2), provide the reporting entity a written notice that includes:

- 1383 (a) the name and address of the corporation;
1384 (b) the date of the in-kind expenditure;
1385 (c) a description of the in-kind expenditure; and
1386 (d) the value, in dollars, of the in-kind expenditure.

1387 (2) A corporation shall provide the written notice described in Subsection (1) to the
1388 reporting entity:

1389 (a) except as provided in Subsection (2)(b), within 31 days after the day on which the

1390 corporation makes the in-kind contribution; or

1391 (b) within [~~three~~] seven business days after the day on which the corporation makes the
1392 in-kind contribution, if:

1393 (i) the in-kind contribution is to a candidate who is contested in a convention and the
1394 corporation makes the in-kind contribution within 30 days before the day on which the
1395 convention is held;

1396 (ii) the in-kind contribution is to a candidate who is contested in a primary election and
1397 the corporation makes the in-kind contribution within 30 days before the day on which the
1398 primary election is held; or

1399 (iii) the in-kind contribution is to a candidate who is contested in a general election and
1400 the corporation makes the in-kind contribution within 30 days before the day on which the
1401 general election is held.

1402 (3) A corporation that provides, and a reporting entity that receives, the written notice
1403 described in Subsection (1) shall retain a copy of the notice for five years after the day on
1404 which the written notice is provided to the reporting entity.

1405 (4) A corporation or reporting entity that fails to comply with the requirements of this
1406 section is guilty of a class B misdemeanor.

1407 (5) A person that intentionally or knowingly provides, or conspires to provide, false
1408 information on a written notice described in this section is guilty of a class B misdemeanor.

1409 Section 13. Section **20A-11-801** is amended to read:

1410 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
1411 **providing false information or accepting unlawful contribution.**

1412 (1) (a) Unless the political issues committee has filed a notice of dissolution under
1413 Subsection (4), each political issues committee shall file a statement of organization with the
1414 lieutenant governor's office:

1415 (i) before 5 p.m. on January 10 of each year; or

1416 (ii) electronically, before midnight on January 10 of each year.

1417 (b) If a political issues committee is organized after the filing deadline described in
1418 Subsection (1)(a), the political issues committee shall file an initial statement of organization
1419 no later than seven days after the day on which the political issues committee:

1420 (i) receives political issues contributions totaling at least \$750; or

- 1421 (ii) distributes political issues expenditures totaling at least \$750.
- 1422 (c) Each political issues committee shall deposit each contribution received into one or
1423 more separate accounts in a financial institution that are dedicated only to that purpose.
- 1424 (2) (a) Each political issues committee shall designate two officers that have primary
1425 decision-making authority for the political issues committee.
- 1426 (b) An individual may not exercise primary decision-making authority for a political
1427 issues committee if the individual is not designated under Subsection (2)(a).
- 1428 (3) The statement of organization shall include:
- 1429 (a) the name and address of the political issues committee;
- 1430 (b) the name, address, phone number, occupation, and title of the two primary officers
1431 designated under Subsection (2);
- 1432 (c) the name, address, occupation, and title of all other officers of the political issues
1433 committee;
- 1434 (d) the name and address of the organization, individual, corporation, association, unit
1435 of government, or union that the political issues committee represents, if any;
- 1436 (e) the name and address of all affiliated or connected organizations and their
1437 relationships to the political issues committee;
- 1438 (f) the name, residential address, business address, occupation, and phone number of
1439 the committee's treasurer or chief financial officer;
- 1440 (g) the name, address, and occupation of each member of the supervisory and advisory
1441 boards, if any; and
- 1442 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1443 or oppose it.
- 1444 (4) (a) A registered political issues committee that intends to permanently cease
1445 operations during a calendar year shall:
- 1446 (i) dispose of all remaining funds by returning the funds to donors or donating the
1447 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
1448 Internal Revenue Code; and
- 1449 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
1450 lieutenant governor's office.
- 1451 (b) A political issues committee may not donate money to a political action committee,

1452 but may accept a contribution from a political action committee.

1453 (c) Any notice of dissolution filed by a political issues committee does not exempt that
1454 political issues committee from complying with the financial reporting requirements of this
1455 chapter in relation to all contributions received, and all expenditures made, before, at, or after
1456 dissolution.

1457 (d) A political issues committee shall report all money donated or expended under
1458 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the
1459 financial reporting requirements described in this chapter.

1460 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1461 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1462 notice of any change of an officer described in Subsection (2).

1463 (b) A political issues committee shall:

1464 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5
1465 p.m. within 10 days after the day on which the change occurs; and

1466 (ii) include in the notice of change the name and title of the officer being replaced and
1467 the name, address, occupation, and title of the new officer.

1468 (6) (a) A person is guilty of providing false information in relation to a political issues
1469 committee if the person intentionally or knowingly gives false or misleading material
1470 information in the statement of organization or the notice of change of primary officer.

1471 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
1472 an unlawful contribution if the political issues committee knowingly or recklessly accepts a
1473 contribution from a corporation that:

1474 (i) was organized less than 90 days before the date of the general election; and

1475 (ii) at the time the political issues committee accepts the contribution, has failed to file
1476 a statement of organization with the lieutenant governor's office as required by Section
1477 [20A-11-704](#).

1478 (c) A violation of this Subsection (6) is a third degree felony.

1479 (7) (a) As used in this Subsection (7), "received" means:

1480 (i) for a cash contribution, that the cash is given to a political issues committee;

1481 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1482 instrument or check is negotiated; and

1483 (iii) for any other type of contribution, that any portion of the contribution's benefit
1484 inures to the political issues committee.

1485 (b) Each political issues committee shall report to the lieutenant governor each
1486 contribution received by the political issues committee within [~~three~~] seven business days after
1487 the day on which the contribution is received if the contribution is received within 30 days
1488 before the last day on which the sponsors of the initiative or referendum described in
1489 Subsection [20A-11-801\(3\)\(h\)](#) may submit signatures to qualify the initiative or referendum for
1490 the ballot.

1491 (c) For each contribution that a political issues committee fails to report within the
1492 period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the
1493 political issues committee in an amount equal to:

1494 (i) 10% of the amount of the contribution, if the political issues committee reports the
1495 contribution within 60 days after the last day on which the political issues committee should
1496 have reported the contribution under Subsection (7)(b); or

1497 (ii) 20% of the amount of the contribution, if the political issues committee fails to
1498 report the contribution within 60 days after the last day on which the political issues committee
1499 should have reported the contribution under Subsection (7)(b).

1500 (d) The lieutenant governor shall:

1501 (i) deposit money received under Subsection (7)(c) into the General Fund; and

1502 (ii) report on the lieutenant governor's website, in the location where reports relating to
1503 each political issues committee are available for public access:

1504 (A) each fine imposed by the lieutenant governor against the political issues
1505 committee;

1506 (B) the amount of the fine;

1507 (C) the amount of the contribution to which the fine relates; and

1508 (D) the date of the contribution.

1509 Section 14. Section [20A-11-1301](#) is amended to read:

1510 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**
1511 **as a political action committee officer -- No personal use -- Contribution reporting**
1512 **deadline -- Report other accounts -- Anonymous contributions.**

1513 (1) (a) (i) Each school board office candidate shall deposit each contribution received

1514 in one or more separate accounts in a financial institution that are dedicated only to that
1515 purpose.

1516 (ii) A school board office candidate may:

1517 (A) receive a contribution from a political action committee registered under Section
1518 20A-11-601; and

1519 (B) be designated by a political action committee as an officer who has primary
1520 decision-making authority as described in Section 20A-11-601.

1521 (b) A school board office candidate may not use money deposited in an account
1522 described in Subsection (1)(a)(i) for:

1523 (i) a personal use expenditure; or

1524 (ii) an expenditure prohibited by law.

1525 (c) (i) Each school board officeholder shall deposit each contribution and public
1526 service assistance received in one or more separate accounts in a financial institution that are
1527 dedicated only to that purpose.

1528 (ii) A school board officeholder may:

1529 (A) receive a contribution or public service assistance from a political action
1530 committee registered under Section 20A-11-601; and

1531 (B) be designated by a political action committee as an officer who has primary
1532 decision-making authority as described in Section 20A-11-601.

1533 (d) A school board officeholder may not use money deposited in an account described
1534 in Subsection (1)(a)(i) or (1)(c)(i) for:

1535 (i) a personal use expenditure; or

1536 (ii) an expenditure prohibited by law.

1537 (2) (a) A school board office candidate may not deposit or mingle any contributions
1538 received into a personal or business account.

1539 (b) A school board officeholder may not deposit or mingle any contributions or public
1540 service assistance received into a personal or business account.

1541 (3) A school board office candidate or school board officeholder may not make any
1542 political expenditures prohibited by law.

1543 (4) If a person who is no longer a school board office candidate chooses not to expend
1544 the money remaining in a campaign account, the person shall continue to file the year-end

1545 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1546 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1547 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1548 is no longer a school board office candidate may not expend or transfer the money in a
1549 campaign account in a manner that would cause the former school board office candidate to
1550 recognize the money as taxable income under federal tax law.

1551 (b) A person who is no longer a school board office candidate may transfer the money
1552 in a campaign account in a manner that would cause the former school board office candidate
1553 to recognize the money as taxable income under federal tax law if the transfer is made to a
1554 campaign account for federal office.

1555 (6) (a) As used in this Subsection (6), "received" means the same as that term is
1556 defined in Subsection 20A-11-1303(1)(a).

1557 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
1558 report to the chief election officer each contribution received by the school board office
1559 candidate:

1560 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which
1561 the contribution is received; or

1562 (ii) within [~~three~~] seven business days after the day on which the contribution is
1563 received, if:

1564 (A) the school board office candidate is contested in a convention and the contribution
1565 is received within 30 days before the day on which the convention is held;

1566 (B) the school board office candidate is contested in a primary election and the
1567 contribution is received within 30 days before the day on which the primary election is held; or

1568 (C) the school board office candidate is contested in a general election and the
1569 contribution is received within 30 days before the day on which the general election is held.

1570 (c) For each contribution that a school board office candidate fails to report within the
1571 time period described in Subsection (6)(b), the chief election officer shall impose a fine against
1572 the school board office candidate in an amount equal to:

1573 (i) 10% of the amount of the contribution, if the school board office candidate reports
1574 the contribution within 60 days after the day on which the time period described in Subsection
1575 (6)(b) ends; or

1576 (ii) 20% of the amount of the contribution, if the school board office candidate fails to
1577 report the contribution within 60 days after the day on which the time period described in
1578 Subsection (6)(b) ends.

1579 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and
1580 issue a warning to the school board office candidate if:

1581 (i) the contribution that the school board office candidate fails to report is paid by the
1582 school board office candidate from the school board office candidate's personal funds;

1583 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
1584 relation to a contribution paid by the school board office candidate from the school board office
1585 candidate's personal funds; and

1586 (iii) the lieutenant governor determines that the failure to timely report the contribution
1587 is due to the school board office candidate not understanding that the reporting requirement
1588 includes a contribution paid by a school board office candidate from the school board office
1589 candidate's personal funds.

1590 (e) The chief election officer shall:

1591 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1592 (ii) report on the chief election officer's website, in the location where reports relating
1593 to each school board office candidate are available for public access:

1594 (A) each fine imposed by the chief election officer against the school board office
1595 candidate;

1596 (B) the amount of the fine;

1597 (C) the amount of the contribution to which the fine relates; and

1598 (D) the date of the contribution.

1599 (7) Within 31 days after receiving a contribution that is cash or a negotiable
1600 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1601 disburse the contribution to ~~[(a) the treasurer of the state or a political subdivision for deposit~~
1602 ~~into the state's or political subdivision's general fund; or (b)]~~ an organization that is exempt
1603 from federal income taxation under Section 501(c)(3), Internal Revenue Code.

1604 (8) (a) As used in this Subsection (8), "account" means an account in a financial
1605 institution:

1606 (i) that is not described in Subsection (1)(a)(i); and

1607 (ii) into which or from which a person who, as a candidate for an office, other than a
1608 school board office for which the person files a declaration of candidacy or federal office, or as
1609 a holder of an office, other than a school board office for which the person files a declaration of
1610 candidacy or federal office, deposits a contribution or makes an expenditure.

1611 (b) A school board office candidate shall include on any financial statement filed in
1612 accordance with this part:

1613 (i) a contribution deposited in an account:

1614 (A) since the last campaign finance statement was filed; or

1615 (B) that has not been reported under a statute or ordinance that governs the account; or

1616 (ii) an expenditure made from an account:

1617 (A) since the last campaign finance statement was filed; or

1618 (B) that has not been reported under a statute or ordinance that governs the account.

1619 Section 15. Section **20A-11-1303** is amended to read:

1620 **20A-11-1303. School board office candidate and school board officeholder --**

1621 **Financial reporting requirements -- Interim reports.**

1622 (1) (a) As used in this section, "received" means:

1623 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1624 member of the school board office candidate's personal campaign committee;

1625 (ii) for a contribution that is a check or other negotiable instrument, that the check or
1626 other negotiable instrument is negotiated; [~~or~~]

1627 (iii) for a direct deposit made into a campaign account by a person not associated with
1628 the campaign, the earlier of:

1629 (A) the day on which the school board office candidate or a member of the school
1630 board office candidate's personal campaign committee becomes aware of the deposit and the
1631 source of the deposit;

1632 (B) the day on which the school board office candidate or a member of the school
1633 board office candidate's personal campaign committee receives notice of the deposit and the
1634 source of the deposit by mail, email, text, or similar means; or

1635 (C) thirty-one days after the day on which the direct deposit occurs; or

1636 [~~(iii)~~] (iv) for any other type of contribution, that any portion of the contribution's
1637 benefit inures to the school board office candidate.

1638 (b) As used in this Subsection (1), "campaign account" means a separate campaign
1639 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

1640 (c) Each school board office candidate shall file an interim report at the following
1641 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1642 (i) May 15;

1643 (ii) seven days before the regular primary election date;

1644 (iii) September 30; and

1645 (iv) seven days before the regular general election date.

1646 ~~[(d) Each school board officeholder who has a campaign account that has not been~~
1647 ~~dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the~~
1648 ~~following times, regardless of whether an election for the school board officeholder's office is~~
1649 ~~held that year:]~~

1650 ~~[(i) May 15;]~~

1651 ~~[(ii) seven days before the regular primary election date for that year;]~~

1652 ~~[(iii) September 30; and]~~

1653 ~~[(iv) seven days before the regular general election date.]~~

1654 (2) Each interim report shall include the following information:

1655 (a) the net balance of the last summary report, if any;

1656 (b) a single figure equal to the total amount of receipts reported on all prior interim
1657 reports, if any, during the calendar year in which the interim report is due;

1658 (c) a single figure equal to the total amount of expenditures reported on all prior
1659 interim reports, if any, filed during the calendar year in which the interim report is due;

1660 (d) a detailed listing of:

1661 (i) for a school board office candidate, each contribution received since the last
1662 summary report that has not been reported in detail on a prior interim report; or

1663 (ii) for a school board officeholder, each contribution and public service assistance
1664 received since the last summary report that has not been reported in detail on a prior interim
1665 report;

1666 (e) for each nonmonetary contribution:

1667 (i) the fair market value of the contribution with that information provided by the
1668 contributor; and

- 1669 (ii) a specific description of the contribution;
- 1670 (f) a detailed listing of each expenditure made since the last summary report that has
1671 not been reported in detail on a prior interim report;
- 1672 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1673 (h) a net balance for the year consisting of the net balance from the last summary
1674 report, if any, plus all receipts since the last summary report minus all expenditures since the
1675 last summary report;
- 1676 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1677 (i) beginning balance;
- 1678 (ii) total contributions during the period since the last statement;
- 1679 (iii) total contributions to date;
- 1680 (iv) total expenditures during the period since the last statement; and
- 1681 (v) total expenditures to date; and
- 1682 (j) the name of a political action committee for which the school board office candidate
1683 or school board officeholder is designated as an officer who has primary decision-making
1684 authority under Section [20A-11-601](#).
- 1685 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported
1686 as of five days before the required filing date of the report.
- 1687 (b) Any negotiable instrument or check received by a school board office candidate or
1688 school board officeholder more than five days before the required filing date of a report
1689 required by this section shall be included in the interim report.
- 1690 Section 16. Section **20A-11-1602** is amended to read:
- 1691 **20A-11-1602. Definitions.**
- 1692 As used in this part:
- 1693 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
1694 the officeholder reasonably believes may cause direct financial benefit or detriment to the
1695 officeholder, a member of the officeholder's immediate family, or an individual or entity that
1696 the officeholder is required to disclose under the provisions of this section, if that benefit or
1697 detriment is distinguishable from the effects of that action on the public or on the officeholder's
1698 profession, occupation, or association generally.
- 1699 (2) "Conflict of interest disclosure" means[: (a) before January 1, 2020, a conflict of

1700 interest disclosure form that includes all information required under Section [20A-11-1604](#); and
1701 ~~(b) on or after January 1, 2020,~~] a disclosure, on the website, of all information required under
1702 Section [20A-11-1604](#).

1703 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited
1704 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
1705 venture, a governmental entity, an unincorporated organization, or any other legal entity,
1706 regardless of whether it is established primarily for the purpose of gain or economic profit.

1707 (4) "Filing officer" means:

1708 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
1709 of Education member; or

1710 (b) the lieutenant governor or the county clerk in the county of the candidate's
1711 residence, for a state legislative office.

1712 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the
1713 regulated officeholder's immediate household, or an individual claimed as a dependent for state
1714 or federal income tax purposes by the regulated officeholder.

1715 (6) "Income" means earnings, compensation, or any other payment made to an
1716 individual for gain, regardless of source, whether denominated as wages, salary, commission,
1717 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
1718 reimbursement, dividends, or otherwise.

1719 (7) (a) "Owner or officer" means an individual who owns an ownership interest in an
1720 entity or holds a position where the person has authority to manage, direct, control, or make
1721 decisions for:

1722 (i) the entity or a portion of the entity; or

1723 (ii) an employee, agent, or independent contractor of the entity.

1724 (b) "Owner or officer" includes:

1725 (i) a member of a board of directors or other governing body of an entity; or

1726 (ii) a partner in any type of partnership.

1727 (8) "Preceding year" means the year immediately preceding the day on which the
1728 regulated officeholder makes a conflict of interest disclosure.

1729 (9) "Regulated officeholder" means an individual who is required to make a conflict of
1730 interest disclosure under the provisions of this part.

1731 (10) "State constitutional officer" means the governor, the lieutenant governor, the state
1732 auditor, the state treasurer, or the attorney general.

1733 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
1734 Website described in Section [20A-11-1602.5](#).

1735 Section 17. Section **20A-11-1602.5** is amended to read:

1736 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**

1737 **Website.**

1738 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and
1739 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

1740 (2) [~~Beginning no later than January 1, 2020, the~~] The website shall:

1741 (a) permit a candidate or officeholder to securely access the website for the purpose of:

1742 (i) complying with the conflict of interest disclosure requirements described in this

1743 part; and

1744 (ii) editing conflict of interest disclosures;

1745 (b) contain a record of all conflict of interest disclosures and edits made by the
1746 candidate or officeholder for at least the preceding four years; and

1747 (c) permit any person to view a conflict of interest disclosure made by a candidate or
1748 officeholder.

1749 [~~(3) No sooner than January 1, 2020, and before January 11, 2020, each individual who
1750 is required to make a conflict of interest disclosure under this part shall, regardless of whether
1751 the individual has already made a conflict of interest disclosure by a means other than the
1752 website, make a complete and updated conflict of interest disclosure on the website using the
1753 secure access described in Subsection (2)(a).]~~

1754 Section 18. Section **20A-11-1603** is amended to read:

1755 **20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy**
1756 **-- Public availability.**

1757 [~~(1) Beginning on January 1, 2020]~~

1758 (1) (a) Except as provided in Subsection (1)(b), candidates seeking the following
1759 offices shall make a complete conflict of interest disclosure on the website at the time of filing
1760 a declaration of candidacy:

1761 [~~(a)~~] (i) state constitutional officer;

1762 ~~[(b)]~~ (ii) state legislator; or
1763 ~~[(c)]~~ (iii) State Board of Education member.
1764 (b) A candidate is not required to comply with Subsection (1)(a) if the candidate:
1765 (i) currently holds the office for which the candidate is seeking reelection;
1766 (ii) already, that same year, filed the conflict of interest disclosure for the office
1767 described in Subsection (1)(b)(i), in accordance Section 20A-11-1604; and
1768 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing,
1769 that the conflict of interest disclosure described in Subsection (1)(b)(ii) is updated and accurate
1770 as of the date of filing the declaration of candidacy.

1771 (2) ~~[(A)]~~ Except as provided in Subsection (1)(b), a filing officer may not accept a
1772 declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a
1773 complete conflict of interest disclosure on the website.

1774 (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the
1775 same requirements and shall be in the same format as the conflict of interest disclosure
1776 described in Section 20A-11-1604.

1777 ~~[(4) Until January 1, 2020, the filing officer shall:]~~

1778 ~~[(a) make each financial disclosure form that the filing officer receives available for~~
1779 ~~public inspection at the filing officer's place of business; and]~~

1780 ~~[(b) if the filing officer is not the lieutenant governor, provide each financial disclosure~~
1781 ~~form to the lieutenant governor within one business day after the day on which the candidate~~
1782 ~~files the financial disclosure form.]~~

1783 ~~[(5) Until January 1, 2020, the lieutenant governor shall make each financial disclosure~~
1784 ~~form that the lieutenant governor receives available to the public:]~~

1785 ~~[(a) at the Office of the Lieutenant Governor; and]~~

1786 ~~[(b) on the Statewide Electronic Voter Information Website administered by the~~
1787 ~~lieutenant governor.]~~

1788 ~~[(6) Beginning on January 1, 2020, the]~~

1789 (4) The lieutenant governor shall make the complete conflict of interest disclosure
1790 made by each candidate available for public inspection on the website.

1791 Section 19. Section 20A-11-1604 is amended to read:

1792 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**

1793 **reporting requirements.**

1794 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or
1795 any other official act of office in which a state constitutional officer has actual knowledge that
1796 the state constitutional officer has a conflict of interest that is not stated in the conflict of
1797 interest disclosure, the state constitutional officer shall publicly declare that the state
1798 constitutional officer may have a conflict of interest and what that conflict of interest is.

1799 (b) Before or during any vote on legislation or any legislative matter in which a
1800 legislator has actual knowledge that the legislator has a conflict of interest that is not stated in
1801 the conflict of interest disclosure, the legislator shall orally declare to the committee or body
1802 before which the matter is pending that the legislator may have a conflict of interest and what
1803 that conflict is.

1804 (c) Before or during any vote on any rule, resolution, order, or any other board matter
1805 in which a member of the State Board of Education has actual knowledge that the member has
1806 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall
1807 orally declare to the board that the member may have a conflict of interest and what that
1808 conflict of interest is.

1809 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
1810 shall be noted:

1811 (a) on the official record of the action taken, for a state constitutional officer;

1812 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
1813 applicable, for a legislator; or

1814 (c) in the minutes of the meeting or on the official record of the action taken, for a
1815 member of the State Board of Education.

1816 ~~[(3) (a) Until January 1, 2020, a state constitutional officer shall file a financial
1817 disclosure form:]~~

1818 ~~[(i) (A) on January 10 each year, or the following business day if the due date falls on a
1819 weekend or holiday; or]~~

1820 ~~[(B) if the state constitutional officer takes office after January 10, within 10 days after
1821 the day on which the state constitutional officer takes office; and]~~

1822 ~~[(ii) each time the state constitutional officer changes employment.]~~

1823 ~~[(b) Beginning on January 1, 2020, a]~~

1824 (3) A state constitutional officer shall make a complete conflict of interest disclosure
1825 on the website:

1826 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

1827 ~~[(B)]~~ (ii) if the state constitutional officer takes office after January 10, within 10 days
1828 after the day on which the state constitutional officer takes office; and

1829 ~~[(ii)]~~ (b) each time the state constitutional officer changes employment.

1830 ~~[(c) Until January 1, 2020, a legislator shall file a financial disclosure form:]~~

1831 ~~[(i) (A) on the first day of each general session of the Legislature; or]~~

1832 ~~[(B) if the legislator takes office after the first day of the general session of the~~
1833 ~~Legislature, within 10 days after the day on which the legislator takes office; and]~~

1834 ~~[(ii) each time the legislator changes employment.]~~

1835 ~~[(d) Beginning on January 1, 2020, a]~~

1836 (4) A legislator shall make a complete conflict of interest disclosure on the website:

1837 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

1838 ~~[(B)]~~ (ii) if the legislator takes office after January 10, within 10 days after the day on
1839 which the legislator takes office; and

1840 ~~[(ii)]~~ (b) each time the legislator changes employment.

1841 ~~[(c) Until January 1, 2020, a member of the State Board of Education shall file a~~
1842 ~~financial disclosure form:]~~

1843 ~~[(i) (A) on January 10 of each year, or the following business day if the due date falls~~
1844 ~~on a weekend or holiday; or]~~

1845 ~~[(B) if the member takes office after January 10, within 10 days after the day on which~~
1846 ~~the member takes office; and]~~

1847 ~~[(ii) each time the member changes employment.]~~

1848 ~~[(f) Beginning on January 1, 2020, a]~~

1849 (5) A member of the State Board of Education shall make a complete conflict of
1850 interest disclosure on the website:

1851 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

1852 ~~[(B)]~~ (ii) if the member takes office after January 10, within 10 days after the day on
1853 which the member takes office; and

1854 ~~[(ii)]~~ (b) each time the member changes employment.

1855 ~~[(4) The]~~
1856 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall
1857 include:
1858 (a) the regulated officeholder's name;
1859 (b) the name and address of each of the regulated officeholder's current employers and
1860 each of the regulated officeholder's employers during the preceding year;
1861 (c) for each employer described in Subsection ~~[(4)]~~ (6)(b), a brief description of the
1862 employment, including the regulated officeholder's occupation and, as applicable, job title;
1863 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
1864 owner or officer during the preceding year:
1865 (i) the name of the entity;
1866 (ii) a brief description of the type of business or activity conducted by the entity; and
1867 (iii) the regulated officeholder's position in the entity;
1868 (e) in accordance with Subsection ~~[(5)(b)]~~ (7), for each individual from whom, or
1869 entity from which, the regulated officeholder has received \$5,000 or more in income during the
1870 preceding year:
1871 (i) the name of the individual or entity; and
1872 (ii) a brief description of the type of business or activity conducted by the individual or
1873 entity;
1874 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
1875 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
1876 preceding year, but excluding funds that are managed by a third party, including blind trusts,
1877 managed investment accounts, and mutual funds:
1878 (i) the name of the entity; and
1879 (ii) a brief description of the type of business or activity conducted by the entity;
1880 (g) for each entity not listed in Subsections ~~[(4)]~~ (6)(d) through (f) in which the
1881 regulated officeholder currently serves, or served in the preceding year, on the board of
1882 directors or in any other type of paid leadership capacity:
1883 (i) the name of the entity or organization;
1884 (ii) a brief description of the type of business or activity conducted by the entity; and
1885 (iii) the type of advisory position held by the regulated officeholder;

1886 (h) at the option of the regulated officeholder, a description of any real property in
1887 which the regulated officeholder holds an ownership or other financial interest that the
1888 regulated officeholder believes may constitute a conflict of interest, including a description of
1889 the type of interest held by the regulated officeholder in the property;

1890 (i) the name of the regulated officeholder's spouse and any other adult residing in the
1891 regulated officeholder's household who is not related by blood or marriage, as applicable;

1892 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
1893 is required to provide under Subsection [(4)] (6)(b);

1894 (k) a brief description of the employment and occupation of each adult who:

1895 (i) resides in the regulated officeholder's household; and

1896 (ii) is not related to the regulated officeholder by blood or marriage;

1897 (l) at the option of the regulated officeholder, a description of any other matter or
1898 interest that the regulated officeholder believes may constitute a conflict of interest;

1899 (m) the date the form was completed;

1900 (n) a statement that the regulated officeholder believes that the form is true and
1901 accurate to the best of the regulated officeholder's knowledge; and

1902 (o) the signature of the regulated officeholder.

1903 [~~(5)(a) Before January 1, 2020, the regulated officeholder shall file the financial~~
1904 ~~disclosure form with:]~~

1905 [~~(i) the secretary of the Senate, if the regulated officeholder is a member of the Senate;]~~

1906 [~~(ii) the chief clerk of the House of Representatives, if the regulated officeholder is a~~
1907 ~~member of the House of Representatives; or]~~

1908 [~~(iii) the lieutenant governor, if the regulated officeholder is a regulated officeholder~~
1909 ~~other than a regulated officeholder described in Subsection (5)(a)(i) or (ii).]~~

1910 [(b)] (7) In making the disclosure described in Subsection [(4)] (6)(e), a regulated
1911 officeholder who provides goods or services to multiple customers or clients as part of a
1912 business or a licensed profession is only required to provide the information described in
1913 Subsection [(4)] (6)(e) in relation to the entity or practice through which the regulated
1914 officeholder provides the goods or services and is not required to provide the information
1915 described in Subsection [(4)] (6)(e) in relation to the regulated officeholder's individual
1916 customers or clients.

1917 ~~[(6) Until January 1, 2020, the lieutenant governor, the secretary of the Senate, and the~~
1918 ~~chief clerk of the House of Representatives shall ensure that blank conflict of interest~~
1919 ~~disclosure forms are available on the Internet and at their offices.]~~

1920 ~~[(7) Until January 1, 2020, an individual described in Subsection (6) who receives a~~
1921 ~~conflict of interest disclosure form or an amendment to a conflict of interest disclosure form~~
1922 ~~under this section shall make each version of the form, and each amendment to the form,~~
1923 ~~available to the public for the period of time described in Subsection (8), in the following~~
1924 ~~manner:]~~

1925 ~~[(a) on the Internet; and]~~

1926 ~~[(b) at the office where the form or the amendment to the form was filed.]~~

1927 ~~[(8) The period of time that an individual described in Subsection (7) shall make each~~
1928 ~~version of a conflict of interest disclosure form and each amendment to a conflict of interest~~
1929 ~~disclosure form available to the public is:]~~

1930 ~~[(a) two years after the day on which the individual described in Subsection (7)~~
1931 ~~receives the form, for a regulated officeholder in an office that has a normal term of two years~~
1932 ~~or less; or]~~

1933 ~~[(b) four years after the day on which the individual described in Subsection (7)~~
1934 ~~receives the form, for a regulated officeholder in an office that has a normal term of more than~~
1935 ~~two years.]~~

1936 ~~[(9)] (8) The disclosure requirements described in this section do not prohibit a~~
1937 ~~regulated officeholder from voting or acting on any matter.~~

1938 ~~[(10)] (9) A regulated officeholder may amend a conflict of interest disclosure~~
1939 ~~described in this part at any time.~~

1940 ~~[(11)] (10) A regulated officeholder who violates the requirements of Subsection (1) is~~
1941 ~~guilty of a class B misdemeanor.~~

1942 ~~[(12)] (11) (a) A regulated officeholder who intentionally or knowingly violates a~~
1943 ~~provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.~~

1944 (b) In addition to the criminal penalty described in Subsection ~~[(12)] (11)(a)~~, the
1945 lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who
1946 violates a provision of this section, other than Subsection (1).

1947 Section 20. Section **20A-11-1605** is amended to read:

1948 **20A-11-1605. Failure to file -- Penalties.**

1949 (1) Within 60 days after the day on which a regulated officeholder is required to file a
1950 conflict of interest disclosure under Subsection 20A-11-1604(3)[~~(a)(i), (b)(i), (c)(i), (d)(i),~~
1951 ~~(e)(i), or (f)(i)~~], (4) or (5), the lieutenant governor shall review each filed conflict of interest
1952 disclosure to ensure that:

1953 (a) each regulated officeholder who is required to file a conflict of interest disclosure
1954 has filed one; and

1955 (b) each conflict of interest disclosure contains the information required under Section
1956 20A-11-1604.

1957 (2) The lieutenant governor shall take the action described in Subsection (3) if:

1958 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

1959 (b) a filed conflict of interest disclosure does not comply with the requirements of
1960 Section 20A-11-1604; or

1961 (c) the lieutenant governor receives a written complaint alleging a violation of Section
1962 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and
1963 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
1964 determines that a violation occurred.

1965 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
1966 within five days after the day on which the lieutenant governor determines that a violation
1967 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder
1968 to file an amended report correcting the problem.

1969 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
1970 interest disclosure within seven days after the day on which the regulated officeholder receives
1971 the notice described in Subsection (3).

1972 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
1973 misdemeanor.

1974 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1975 attorney general.

1976 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1977 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
1978 Subsection (4)(a).

1979 (5) The lieutenant governor shall deposit a fine collected under this part into the
1980 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
1981 part.

1982 Section 21. Section **20A-11-1706** is amended to read:

1983 **20A-11-1706. Penalties.**

1984 (1) The chief election officer shall impose a \$100 fine against an individual who fails
1985 to file an independent expenditure report, that includes the information required for the report,
1986 within the time period required by this part.

1987 (2) The chief election officer shall impose a \$1000 fine against a person who is not an
1988 individual who fails to file an independent expenditure report, that includes the information
1989 required for the report, within the time period required by this part.

1990 (3) The chief election officer shall deposit fines collected under this chapter [m] into
1991 the General Fund.

1992 Section 22. Section **20A-12-303** is amended to read:

1993 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1994 (1) The judge or the judge's personal campaign committee shall deposit each
1995 contribution in one or more separate personal campaign accounts in a financial institution.

1996 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1997 any contributions received into a personal or business account.

1998 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

1999 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
2000 campaign committee;

2001 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
2002 instrument or check is negotiated; and

2003 (iii) for any other type of contribution, that any portion of the contribution's benefit
2004 inures to the judge.

2005 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
2006 governor each contribution received by the judge, within 31 days after the day on which the
2007 contribution is received.

2008 (c) For each contribution that a judge fails to report within the time period described in
2009 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount

2010 equal to:

2011 (i) 10% of the amount of the contribution if the judge reports the contribution within
2012 60 days after the day on which the time period described in Subsection (3)(b) ends; or

2013 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
2014 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

2015 (d) The lieutenant governor shall:

2016 (i) deposit money received under Subsection (3)(c) into the General Fund; and

2017 (ii) report on the lieutenant governor's website, in the location where reports relating to
2018 each judge are available for public access:

2019 (A) each fine imposed by the lieutenant governor against the judge;

2020 (B) the amount of the fine;

2021 (C) the amount of the contribution to which the fine relates; and

2022 (D) the date of the contribution.

2023 (4) Within 31 days after receiving a contribution that is cash or a negotiable
2024 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
2025 campaign committee shall disburse the amount of the contribution to~~[-(a) the treasurer of the~~
2026 ~~state or a political subdivision for deposit into the state's or political subdivision's general fund;~~
2027 ~~or (b)]~~ an organization that is exempt from federal income taxation under Section 501(c)(3),
2028 Internal Revenue Code.