

Part 2
State Office Candidates - Campaign Organization
and Financial Reporting Requirements

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

- (1)
 - (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.
 - (b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:
 - (i) a personal use expenditure; or
 - (ii) an expenditure prohibited by law.
- (2) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.
- (3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the lieutenant governor.
- (4)
 - (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.
 - (b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (5)
 - (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:
 - (i) for a cash contribution, that the cash is given to a state office candidate or a member of the candidate's personal campaign committee;
 - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
 - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.
 - (b) Each state office candidate shall report to the lieutenant governor each contribution and public service assistance received by the state office candidate:
 - (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or
 - (ii) within three business days after the day on which the contribution or public service assistance is received, if:
 - (A) the state office candidate is contested in a convention and the contribution or public service assistance is received within 30 days before the day on which the convention is held;

- (B) the state office candidate is contested in a primary election and the contribution or public service assistance is received within 30 days before the day on which the primary election is held; or
 - (C) the state office candidate is contested in a general election and the contribution or public service assistance is received within 30 days before the day on which the general election is held.
- (c) For each contribution or provision of public service assistance that a state office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate in an amount equal to:
- (i)
 - (A) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
 - (B) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
 - (ii)
 - (A) 10% of the value of the public service assistance, if the state office candidate reports the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
 - (B) 20% of the amount of the public service assistance, if the state office candidate fails to report the public service assistance within 60 days after the day on which the time period described in Subsection (5)(b) ends.
- (d) The lieutenant governor shall:
- (i) deposit money received under Subsection (5)(c) into the General Fund; and
 - (ii) report on the lieutenant governor's website, in the location where reports relating to each state office candidate are available for public access:
 - (A) each fine imposed by the lieutenant governor against the state office candidate;
 - (B) the amount of the fine;
 - (C) the amount of the contribution to which the fine relates; and
 - (D) the date of the contribution.
- (6)
- (a) As used in this Subsection (6), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (1)(a); and
 - (ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
 - (b) A state office candidate shall include on any financial statement filed in accordance with this part:
 - (i) a contribution deposited in an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account; or
 - (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.

- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount of the contribution to:
- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 21, 2015 General Session
Amended by Chapter 127, 2015 General Session

20A-11-202 State office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.

- (1)
- (a)
 - (i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.
 - (ii) A state office candidate may serve as his own campaign committee.
 - (iii) A state office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
 - (b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any expenditures on behalf of a state office candidate other than through:
 - (i) a personal campaign committee established under this section; and
 - (ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.
- (2)
- (a) The state office candidate shall file a written statement signed by the candidate or authorized member of the candidate's personal campaign committee with the lieutenant governor that:
 - (i) informs the lieutenant governor that the state office candidate's personal campaign committee has been selected; and
 - (ii) provides the name and address of each member and the secretary of the committee.
 - (b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.
 - (c) A state office candidate may revoke the selection of any member of the campaign committee by:
 - (i) revoking that person's appointment or election in writing;
 - (ii) personally serving the written revocation on the member whose selection is revoked; and
 - (iii) filing a copy of the written revocation with the lieutenant governor.
 - (d)
 - (i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.
 - (ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.

- (3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.
- (4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

Amended by Chapter 347, 2011 General Session

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

- (1)
 - (a) Each state office candidate shall file a summary report by January 10 of the year after the regular general election year.
 - (b) In addition to the requirements of Subsection (1)(a), a former state office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-205 shall continue to file a summary report on January 10 of each year.
- (2)
 - (a) Each summary report shall include the following information as of December 31 of the previous year:
 - (i) the net balance of the last financial statement, if any;
 - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any;
 - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
 - (iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;
 - (v) for each nonmonetary contribution:
 - (A) the fair market value of the contribution with that information provided by the contributor; and
 - (B) a specific description of the contribution;
 - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
 - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
 - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
 - (ix) the name of a political action committee for which the state office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.
 - (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
 - (c) A check or negotiable instrument received by a state office candidate or a state office candidate's personal campaign committee on or before December 31 of the previous year shall be included in the summary report.
- (3) An authorized member of the state office candidate's personal campaign committee or the state office candidate shall certify in the summary report that, to the best of the person's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 409, 2016 General Session

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

- (1)
 - (a) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a).
 - (b) Except as provided in Subsection (1)(c), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
 - (i)
 - (A) seven days before the candidate's political convention; or
 - (B) for an unaffiliated candidate, the fourth Saturday in March;
 - (ii) seven days before the regular primary election date;
 - (iii) September 30; and
 - (iv) seven days before the regular general election date.
 - (c) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:
 - (i) shall file an interim report:
 - (A) no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; or
 - (B) if a state office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and
 - (ii) is not required to file an interim report at the times described in Subsection (1)(b).
 - (d) Each state officeholder who has a campaign account that has not been dissolved under Section 20A-11-205 shall, in an even year, file an interim report at the following times, regardless of whether an election for the state officeholder's office is held that year:
 - (i)
 - (A) seven days before the political convention for the political party of the state officeholder; or
 - (B) for an unaffiliated state officeholder, the fourth Saturday in March;
 - (ii) seven days before the regular primary election date;
 - (iii) September 30; and
 - (iv) seven days before the regular general election date.
- (2) Each interim report shall include the following information:
 - (a) the net balance of the last summary report, if any;
 - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
 - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
 - (d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
 - (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
 - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

- (g) for each nonmonetary expenditure, the fair market value of the expenditure;
 - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
 - (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions during the period since the last statement;
 - (iii) total contributions to date;
 - (iv) total expenditures during the period since the last statement; and
 - (v) total expenditures to date; and
 - (j) the name of a political action committee for which the state office candidate or state officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (3)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
 - (b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 16, 2016 General Session
Amended by Chapter 409, 2016 General Session

20A-11-205 State office candidate -- Financial reporting requirements -- Termination of duty to report.

- (1) Each state office candidate and the candidate's personal campaign committee is active and subject to interim reporting requirements until:
 - (a) the candidate withdraws or is eliminated in a convention or primary; or
 - (b) if seeking appointment as a midterm vacancy state office candidate:
 - (i) the political party liaison fails to forward the person's name to the governor; or
 - (ii) the governor fails to appoint the person to fill the vacancy.
- (2) Each state office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
 - (a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;
 - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and
 - (c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each state office candidate and the candidate's personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

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

- (1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:
 - (a) that the state office candidate failed to timely file the report; and
 - (b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.
- (3)
 - (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the report.
 - (b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.
- (4)
 - (a) If a state office candidate is disqualified under Subsection (3)(a), the election official shall:
 - (i) remove the state office candidate's name from the ballot; or
 - (ii) if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.
 - (b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to an absentee voter, including a military or overseas absentee voter, by including with the absentee ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- (5) A state office candidate is not disqualified if:
 - (a) the state office candidate timely files the reports described in Subsections 20A-11-204(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;
 - (b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.
- (6)
 - (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
 - (i) each state office candidate that is required to file a summary report has filed one; and
 - (ii) each summary report contains the information required by this part.
 - (b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.
 - (c)

- (i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).
- (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (6)(c)(i).

Amended by Chapter 16, 2016 General Session