

Part 7 Campaign Financial Reporting by Corporations

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

- (1)
 - (a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:
 - (i) on January 10, reporting expenditures as of December 31 of the previous year;
 - (ii) seven days before the state political convention for each major political party;
 - (iii) seven days before the regular primary election date;
 - (iv) on September 30; and
 - (v) seven days before the regular general election date.
 - (b) The corporation shall report:
 - (i) a detailed listing of all expenditures made since the last financial statement;
 - (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and
 - (iii) whether the corporation, including an officer of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:
 - (A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;
 - (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of \$100,000; or
 - (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
 - (c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.
 - (d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- (2) The financial statement shall include:
 - (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;
 - (b) the total amount of expenditures disbursed by the corporation:
 - (i) since the last financial statement; and
 - (ii) during the calendar year;
 - (c)
 - (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or
 - (ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and
 - (d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.
- (3)
 - (a) The report required by Subsection (2)(c)(ii) shall include:

- (i) the name and address of each donor;
 - (ii) the amount of the money received by the corporation from each donor; and
 - (iii) the date on which the corporation received the money.
- (b) A corporation shall report money received from donors in the following order:
- (i) first, beginning with the least recent date on which the corporation received money that the corporation has not reported in a previous financial statement, the money received from a donor that:
 - (A) requests that the corporation use the money to make an expenditure;
 - (B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make an expenditure; or
 - (C) knows that the corporation may use the money to make an expenditure; and
 - (ii) second, divide the difference between the total amount of expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:
 - (A) are not described in Subsection (3)(b)(i);
 - (B) gave at least \$50 during the calendar year or previous calendar year; and
 - (C) have not been reported in a previous financial statement.
- (c) If the amount reported under Subsection (3)(b) is less than the total amount of expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.
- (d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.
- (e)
- (i) For all individual donations of \$50 or less, the corporation may report a single aggregate figure without separate detailed listings.
 - (ii) The corporation:
 - (A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than \$50; and
 - (B) shall separately report donations described in Subsection (3)(e)(ii)(A).
- (4) If a corporation makes expenditures that total at least \$750 during a calendar year, the corporation shall notify a person giving money to the corporation that:
- (a) the corporation may use the money to make an expenditure; and
 - (b) the person's name and address may be disclosed on the corporation's financial statement.

Amended by Chapter 204, 2015 General Session

Amended by Chapter 296, 2015 General Session

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

- (1)
- (a) Each corporation that has made political issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:
 - (i) on January 10, reporting expenditures as of December 31 of the previous year;
 - (ii) seven days before the state political convention of each major political party;
 - (iii) seven days before the regular primary election date;

- (iv) on September 30; and
 - (v) seven days before the regular general election date.
 - (b) The corporation shall report:
 - (i) a detailed listing of all expenditures made since the last financial statement; and
 - (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the financial statement.
 - (c) The corporation need not file a statement under this section if it made no expenditures during the reporting period.
- (2) That statement shall include:
- (a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the corporation, and the amount of each political issues expenditure;
 - (b) the total amount of political issues expenditures disbursed by the corporation:
 - (i) since the last financial statement; and
 - (ii) during the calendar year;
 - (c)
 - (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or
 - (ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and
 - (d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.
- (3)
- (a) The report required by Subsection (2)(c)(ii) shall include:
 - (i) the name and address of each donor;
 - (ii) the amount of the money received by the corporation from each donor; and
 - (iii) the date on which the corporation received the money.
 - (b) A corporation shall report money received from donors in the following order:
 - (i) first, beginning with the least recent date on which the corporation received money that has not been reported in a previous financial statement, the money received from a donor that:
 - (A) requests that the corporation use the money to make a political issues expenditure;
 - (B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make a political issues expenditure; or
 - (C) knows that the corporation may use the money to make a political issues expenditure; and
 - (ii) second, divide the difference between the total amount of political issues expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:
 - (A) are not described in Subsection (3)(b)(i);
 - (B) gave at least \$50 during the calendar year or previous calendar year; and
 - (C) have not been reported in a previous financial statement.
 - (c) If the amount reported under Subsection (3)(b) is less than the total amount of political issues expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.

- (d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.
- (e)
 - (i) For all individual donations of \$50 or less, the corporation may report a single aggregate figure without separate detailed listings.
 - (ii) The corporation:
 - (A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than \$50; and
 - (B) shall separately report donations described in Subsection (3)(e)(ii)(A).
- (4) If a corporation makes political issues expenditures that total at least \$750 during a calendar year, the corporation shall notify a person giving money to the corporation that:
 - (a) the corporation may use the money to make a political issues expenditure; and
 - (b) the person's name and address may be disclosed on the corporation's financial statement.

Amended by Chapter 204, 2015 General Session

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

- (1) Within 30 days after a deadline for the filing of any statement required by this part, the lieutenant governor shall review each filed statement to ensure that:
 - (a) each corporation that is required to file a statement has filed one; and
 - (b) each statement contains the information required by this part.
- (2) If it appears that any corporation has failed to file any statement, if it appears that a filed statement 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 statement, the lieutenant governor shall:
 - (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
 - (b) within five days of discovery of a violation or receipt of a written complaint, notify the corporation of the violation or written complaint and direct the corporation to file a statement correcting the problem.
- (3)
 - (a) It is unlawful for any corporation to fail to file or amend a statement within seven days after receiving notice from the lieutenant governor under this section.
 - (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.
 - (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection (3)(a).

Amended by Chapter 420, 2013 General Session

20A-11-704 Statement of organization required for certain new corporations.

- (1) A corporation that is incorporated, organized, or otherwise created less than 90 days before the date of a general election shall file a statement of organization with the lieutenant governor's office before making a contribution to a political action committee or a political issues committee in association with the election.
- (2) The statement of organization shall include:
 - (a) the name and street address of the corporation;
 - (b) the name, street address, phone number, occupation, and title of one or more individuals that have primary decision-making authority for the corporation;

- (c) the name, street address, phone number, occupation, and title of the corporation's chief financial officer;
- (d) the name, street address, occupation, and title of all other officers or managers of the corporation; and
- (e) the name, street address, and occupation of each member of the corporation's governing and advisory boards, if any.

Enacted by Chapter 226, 2006 General Session

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

- (1) A corporation that makes an in-kind contribution to a reporting entity shall, in accordance with Subsection (2), provide the reporting entity a written notice that includes:
 - (a) the name and address of the corporation;
 - (b) the date of the in-kind expenditure;
 - (c) a description of the in-kind expenditure; and
 - (d) the value, in dollars, of the in-kind expenditure.
- (2) A corporation shall provide the written notice described in Subsection (1) to the reporting entity:
 - (a) except as provided in Subsection (2)(b), within 30 days after the day on which the corporation makes the in-kind contribution; or
 - (b) within three business days after the day on which the corporation makes the in-kind contribution, if:
 - (i) the in-kind contribution is to a candidate who is contested in a convention and the corporation makes the in-kind contribution within 30 days before the day on which the convention is held;
 - (ii) the in-kind contribution is to a candidate who is contested in a primary election and the corporation makes the in-kind contribution within 30 days before the day on which the primary election is held; or
 - (iii) the in-kind contribution is to a candidate who is contested in a general election and the corporation makes the in-kind contribution within 30 days before the day on which the general election is held.
- (3) A corporation that provides, and a reporting entity that receives, the written notice described in Subsection (1) shall retain a copy of the notice for five years after the day on which the written notice is provided to the reporting entity.
- (4) A corporation or reporting entity that fails to comply with the requirements of this section is guilty of a class B misdemeanor.
- (5) A person that intentionally or knowingly provides, or conspires to provide, false information on a written notice described in this section is guilty of a class B misdemeanor.

Enacted by Chapter 296, 2015 General Session