

Senator L. Alma Mansell proposes the following substitute bill:

ELECTION REFORM

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: L. Alma Mansell

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill modifies the Election Code to provide the option to file a pledge of fair campaign practices and to establish criminal penalties related to issuing false information or improper contributions during campaigns.

Highlighted Provisions:

This bill:

- ▶ provides that each candidate for public office in the state be presented with a pledge of fair campaign practices;
- ▶ provides that a candidate may voluntarily elect to sign and file the pledge;
- ▶ provides that the pledge is a public document and shall be maintained by the filing officer for a defined period after the election ends;
- ▶ requires political action committees and political issues committees to file a yearly statement of organization;
- ▶ requires political action committees and political issues committees to designate and disclose the names of two officers having primary decision-making authority;
- ▶ requires a political action committee or political issues committee to notify the lieutenant governor of a change in a primary officer;
- ▶ provides a criminal penalty for:



- 26 • providing false information on a statement of organization for a political action
- 27 committee or political issues committee or on a notice of change of officer; or
- 28 • accepting a contribution from certain business entities that have failed to
- 29 register with the lieutenant governor's office; and
- 30 ▶ requires business entities that are created just before a general election to file a
- 31 statement of organization with the lieutenant governor's office before making
- 32 political contributions.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **20A-9-201**, as last amended by Chapter 140, Laws of Utah 2003

40 **20A-9-203**, as last amended by Chapter 209, Laws of Utah 2004

41 **20A-11-601**, as enacted by Chapter 1, Laws of Utah 1995

42 **20A-11-801**, as last amended by Chapter 355, Laws of Utah 1997

43 ENACTS:

44 **20A-9-205**, Utah Code Annotated 1953

45 **20A-11-704**, Utah Code Annotated 1953



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

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

49 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
50 **more than one political party prohibited with exceptions -- General filing and form**
51 **requirements.**

52 (1) Before filing a declaration of candidacy for election to any office, a person shall:

53 (a) be a United States citizen; and

54 (b) meet the legal requirements of that office.

55 (2) (a) Except as provided in Subsection (2)(b), a person may not:

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

57 Utah during any election year; or

58 (ii) appear on the ballot as the candidate of more than one political party.

59 (b) A person may file a declaration of candidacy for, or be a candidate for, President or
60 Vice President of the United States and another office, if the person resigns the person's
61 candidacy for the other office after the person is officially nominated for President or Vice
62 President of the United States.

63 (3) If the final date established for filing a declaration of candidacy is a Saturday or
64 Sunday, the filing time shall be extended until 5 p.m. on the following [~~Monday~~] business day.

65 (4) (a) (i) Except for presidential candidates, before the filing officer may accept any
66 declaration of candidacy, the filing officer shall:

67 (A) read to the prospective candidate the constitutional and statutory qualification
68 requirements for the office that the candidate is seeking; and

69 (B) require the candidate to state whether or not the candidate meets those
70 requirements.

71 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
72 county clerk shall ensure that the person filing that declaration of candidacy is:

73 (A) a United States citizen;

74 (B) an attorney licensed to practice law in Utah who is an active member in good
75 standing of the Utah State Bar;

76 (C) a registered voter in the county in which he is seeking office; and

77 (D) a current resident of the county in which he is seeking office and either has been a
78 resident of that county for at least one year or was appointed and is currently serving as county
79 attorney and became a resident of the county within 30 days after appointment to the office.

80 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
81 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
82 candidacy is:

83 (A) a United States citizen;

84 (B) an attorney licensed to practice law in Utah who is an active member in good
85 standing of the Utah State Bar;

86 (C) a registered voter in the prosecution district in which he is seeking office; and

87 (D) a current resident of the prosecution district in which he is seeking office and either

88 will have been a resident of that prosecution district for at least one year as of the date of the
89 election or was appointed and is currently serving as district attorney and became a resident of
90 the prosecution district within 30 days after receiving appointment to the office.

91 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
92 county clerk shall ensure that the person filing the declaration of candidacy:

93 (A) as of the date of filing:

94 (I) is a United States citizen;

95 (II) is a registered voter in the county in which the person seeks office;

96 (III) (Aa) has successfully met the standards and training requirements established for
97 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
98 Certification Act; or

99 (Bb) has passed a certification examination as provided in Section 53-6-206; and

100 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
101 53-13-103; and

102 (B) as of the date of the election, shall have been a resident of the county in which the
103 person seeks office for at least one year.

104 (b) If the prospective candidate states that he does not meet the qualification
105 requirements for the office, the filing officer may not accept the prospective candidate's
106 declaration of candidacy.

107 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
108 shall:

109 (i) provide the candidate with a copy of the pledge of fair campaign practices described
110 under Section 20A-9-205 and inform the candidate that:

111 (A) signing the pledge is voluntary; and

112 (B) signed pledges shall be filed with the filing officer;

113 [(†)] (ii) accept the candidate's declaration of candidacy; and

114 [(†)] (iii) if the candidate has filed for a partisan office, provide a certified copy of the
115 declaration of candidacy to the chair of the county or state political party of which the
116 candidate is a member.

117 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
118 officer shall:

- 119 (i) accept the candidate's pledge; and
- 120 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
- 121 candidate's pledge to the chair of the county or state political party of which the candidate is a
- 122 member.

123 (5) Except for presidential candidates, the form of the declaration of candidacy shall be
 124 substantially as follows:

125 "State of Utah, County of _____

126 I, _____, declare my intention of becoming a candidate for the office of
 127 _____ as a candidate for the _____ party. I do solemnly swear that: I can qualify to hold that
 128 office, both legally and constitutionally, if selected; I reside at _____ in the City or
 129 Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law
 130 governing campaigns and elections; and I will qualify for the office if elected to it. The
 131 mailing address that I designate for receiving official election notices is
 132 _____.

133 _____

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

135 Notary Public (or other officer qualified to administer oath.)"

136 (6) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
 137 is:

- 138 (i) \$25 for candidates for the local school district board; and
- 139 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
- 140 holding the office, but not less than \$5, for all other federal, state, and county offices.

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

- 143 (i) who is disqualified; or
- 144 (ii) who the filing officer determines has filed improperly.

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

147 (ii) The lieutenant governor shall:

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

150 (B) ensure that each county receives that proportion of the total amount paid to the
151 lieutenant governor from the congressional district that the total vote of that county for all
152 candidates for representative in Congress bears to the total vote of all counties within the
153 congressional district for all candidates for representative in Congress.

154 (d) (i) Each person who is unable to pay the filing fee may file a declaration of
155 candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an
156 affidavit of impecuniosity filed with the filing officer.

157 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
158 substantially the following form:

159 "Affidavit of Impecuniosity

160 Individual Name

161 _____ Address _____

162 Phone Number _____

163 I, _____ (name), do solemnly [swear] [affirm] that, owing to my
164 poverty, I am unable to pay the filing fee required by law.

165 Date _____ Signature _____

166 Affiant

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

168 _____
169 (signature)

170 Name and Title of Officer Authorized to Administer Oath _____"

171 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
172 within the time provided in this chapter is ineligible for nomination to office.

173 Section 2. Section **20A-9-203** is amended to read:

174 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

175 (1) (a) A person may become a candidate for any municipal office if the person is a
176 registered voter and:

177 (i) the person has resided within the municipality in which that person seeks to hold
178 elective office for the 12 consecutive months immediately before the date of the election; or

179 (ii) if the territory in which the person resides was annexed into the municipality, the
180 person has resided within the annexed territory or the municipality for 12 months.

181 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal
182 council position under the council-mayor or council-manager alternative forms of municipal
183 government shall, if elected from districts, be residents of the council district from which they
184 are elected.

185 (c) Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent
186 person, any person convicted of a felony, or any person convicted of treason or a crime against
187 the elective franchise may not hold office in this state until the right to vote or hold elective
188 office is restored as provided by statute.

189 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
190 become a candidate for a municipal office shall file a declaration of candidacy in person with
191 the city recorder or town clerk during office hours and not later than 5 p.m. between July 15
192 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal
193 ordinance.

194 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
195 persons registered to vote in the municipality on the January 1 of the municipal election year.

196 (ii) A third, fourth, or fifth class city that used the convention system to nominate
197 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
198 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
199 convention system to nominate candidates in the last municipal election as authorized by
200 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
201 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
202 for municipal office file a nominating petition signed by a percentage of registered voters at the
203 same time that the candidate files a declaration of candidacy.

204 (iii) The ordinance shall specify the number of signatures that the candidate must
205 obtain on the nominating petition in order to become a candidate for municipal office under
206 this Subsection (2), but that number may not exceed 5% of registered voters.

207 (c) Any resident of a municipality may nominate a candidate for a municipal office by
208 filing a nomination petition with the city recorder or town clerk during office hours but not
209 later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing
210 fee, if one is required by municipal ordinance.

211 (d) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5

212 p.m. on the following Monday.

213 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
214 petition, the filing officer shall:

215 (i) read to the prospective candidate or person filing the petition the constitutional and
216 statutory qualification requirements for the office that the candidate is seeking; and

217 (ii) require the candidate or person filing the petition to state whether or not the
218 candidate meets those requirements.

219 (b) If the prospective candidate does not meet the qualification requirements for the
220 office, the filing officer may not accept the declaration of candidacy or nomination petition.

221 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
222 filing officer shall:

223 (i) provide the candidate with a copy of the pledge of fair campaign practices described
224 under Section 20A-9-205 and inform the candidate that:

225 (A) signing the pledge is voluntary; and

226 (B) signed pledges shall be filed with the filing officer; and

227 (ii) accept the declaration of candidacy or nomination petition.

228 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
229 officer shall:

230 (i) accept the candidate's pledge; and

231 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
232 candidate's pledge to the chair of the county or state political party of which the candidate is a
233 member.

234 (4) The declaration of candidacy shall substantially comply with the following form:

235 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
236 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
237 registered voter; and that I am a candidate for the office of _____ (stating the term). I request
238 that my name be printed upon the applicable official ballots. (Signed) _____

239 Subscribed and sworn to (or affirmed) before me by _____ on this
240 _____(month\day\year).

241 (Signed) _____ (Clerk or other officer qualified to administer oath)"

242 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that

243 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
244 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
245 for municipal office by submitting a petition signed by:

- 246 (i) 25 residents of the municipality who are at least 18 years old; or
- 247 (ii) 20% of the residents of the municipality who are at least 18 years old.
- 248 (b) (i) The petition shall substantially conform to the following form:

249 "NOMINATION PETITION

250 The undersigned residents of (name of municipality) being 18 years old or older
251 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
252 applicable)."

253 (ii) The remainder of the petition shall contain lines and columns for the signatures of
254 persons signing the petition and their addresses and telephone numbers.

255 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
256 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
257 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
258 signed by the same percentage of registered voters in the municipality as required by the
259 ordinance passed under authority of Subsection (2)(b).

- 260 (b) (i) The petition shall substantially conform to the following form:

261 "NOMINATION PETITION

262 The undersigned residents of (name of municipality) being 18 years old or older
263 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
264 whichever is applicable)."

265 (ii) The remainder of the petition shall contain lines and columns for the signatures of
266 persons signing the petition and their addresses and telephone numbers.

267 (7) If the declaration of candidacy or nomination petition fails to state whether the
268 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
269 the four-year term.

270 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
271 voters.

272 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
273 print the candidate's name on the ballot.

274 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
275 clerk shall:

276 (a) cause the names of the candidates as they will appear on the ballot to be published
277 in at least two successive publications of a newspaper with general circulation in the
278 municipality; and

279 (b) notify the lieutenant governor of the names of the candidates as they will appear on
280 the ballot.

281 (10) (a) A declaration of candidacy or nomination petition filed under this section is
282 valid unless a written objection is filed with the clerk within five days after the last day for
283 filing.

284 (b) If an objection is made, the clerk shall:

285 (i) mail or personally deliver notice of the objection to the affected candidate
286 immediately; and

287 (ii) decide any objection within 48 hours after it is filed.

288 (c) If the clerk sustains the objection, the candidate may correct the problem by
289 amending the declaration or petition within three days after the objection is sustained or by
290 filing a new declaration within three days after the objection is sustained.

291 (d) (i) The clerk's decision upon objections to form is final.

292 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
293 prompt application is made to the district court.

294 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
295 of its discretion, agrees to review the lower court decision.

296 (11) Any person who filed a declaration of candidacy and was nominated, and any
297 person who was nominated by a nomination petition, may, any time up to 23 days before the
298 election, withdraw the nomination by filing a written affidavit with the clerk.

299 Section 3. Section **20A-9-205** is enacted to read:

300 **20A-9-205. Fair campaign practices -- Voluntary pledge -- Pledge is a public**
301 **record -- Retention requirements.**

302 (1) Each person seeking to become a candidate for any elective office that is to be
303 filled at the next election shall be provided with a copy of the pledge of fair campaign
304 practices.

305 (2) The pledge shall be in the following form:

306 "PLEDGE OF FAIR CAMPAIGN PRACTICES

307 There are basic principles of decency, honesty, and fair play which every candidate for
 308 public office in the State of Utah has a moral obligation to observe and uphold, in order that,
 309 after vigorously contested but fairly conducted campaigns, our citizens may exercise their right
 310 to a free election, and that the will of the people may be fully and clearly expressed on the
 311 issues.

312 THEREFORE:

313 I SHALL conduct my campaign openly and publicly, discussing the issues as I see
 314 them, presenting my record and policies with sincerity and frankness, and criticizing, without
 315 fear or favor, the record and policies of my opponents that I believe merit criticism.

316 I SHALL NOT use nor shall I permit the use of ~~H→~~ [whispering campaigns or] ~~←H~~
 316a scurrilous
 317 attacks on any candidate ~~H→~~ or the candidate's immediate family ~~←H~~ . I shall not participate
 317a in or nor shall I permit the use of defamation,
 318 libel, or slander against any candidate ~~H→~~ or the candidate's immediate family ~~←H~~ . I shall not
 318a participate in ~~H→~~ [or] nor ~~←H~~ shall I permit the
 318a use of any
 319 other criticism of any candidate ~~H→~~ or the candidate's immediate family ~~←H~~ that I do not
 319a believe to be truthful, provable, and relevant to my
 320 campaign.

321 ~~H→~~ [I SHALL NOT appeal to nor shall I permit an appeal to negative prejudices
 321a based on ~~S→~~ a
 321a candidate's ~~←S~~
 322 race, gender, religion, national origin ~~S→~~, sexual orientation ~~←S~~, physical disability, or age.] ~~←H~~

323 I SHALL NOT use ~~H→~~ [or] ~~←H~~ nor shall I permit the use of any practice that tends to
 323a corrupt or
 324 undermine our American system of free elections, or that hinders or prevents the free
 325 expression of the will of the voters, including practices intended to hinder or prevent any
 326 eligible person from registering to vote or voting.

327 I SHALL NOT coerce election help or campaign contributions for myself or for any
 328 other candidate from my employees or volunteers.

329 I SHALL immediately and publicly repudiate support deriving from any individual or
 330 group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to

331 methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take
332 firm action against any subordinate who violates any provision of this pledge or the laws
333 governing elections.

334 I SHALL defend and uphold the right of every qualified American voter to full and
335 equal participation in the electoral process.

336 I, the undersigned, candidate for election to public office in the State of Utah, hereby
337 voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in
338 accordance with the above principles and practices."

339 Name: _____

340 Signature: _____ Date: _____

341 (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be
342 distributed to persons filing a declaration of candidacy.

343 (4) A pledge that is submitted for filing by a candidate is a public record under Title
344 63, Chapter 2, Government Records Access and Management Act.

345 (5) The filing officer shall:

346 (a) accept all signed pledges that are submitted for filing; and

347 (b) retain each filed pledge for public inspection for 30 calendar days after the election.

348 (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair
349 campaign practices.

350 Section 4. Section **20A-11-601** is amended to read:

351 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
352 **providing false information.**

353 (1) (a) Each political action committee shall file a statement of organization with the
354 lieutenant governor's office by January 10 of each year, unless the political action committee
355 has filed a notice of dissolution under Subsection (4).

356 (b) If a political action committee is organized after the January 10 filing date, the
357 political action committee shall file an initial statement of organization no later than seven days
358 after:

359 ~~(a)~~ (i) receiving contributions totaling at least \$750 [in any calendar year]; or

360 ~~(b)~~ (ii) distributing expenditures for political purposes totaling at least \$750 [in any
361 calendar year].

362 (c) If January 10 falls on a weekend or holiday, the statement of organization shall be
363 filed by the following business day.

364 (2) Each political action committee shall designate two officers that have primary
365 decision-making authority for the political action committee.

366 ~~(2)~~ (3) The statement of organization shall include:

367 (a) the name and address of the political action committee;

368 (b) the name, street address, phone number, occupation, and title of the two primary
369 officers designated under Subsection (2);

370 [~~(b)~~] (c) the name, street address, occupation, and title of [~~each officer~~] all other
371 officers of the political action committee;

372 [~~(c)~~] (d) the name and street address of the organization, individual corporation,
373 association, unit of government, or union that the political action committee represents, if any;

374 [~~(d)~~] (e) the name and street address of all affiliated or connected organizations and
375 their relationships to the political action committee;

376 [~~(e)~~] (f) the name, street address, business address, occupation, and phone number of
377 the committee's treasurer or chief financial officer; and

378 [~~(f)~~] (g) the name, street address, and occupation of each member of the governing
379 [~~board~~] and advisory boards, if any.

380 [~~(3)~~] (4) (a) Any registered political action committee that intends to permanently cease
381 operations shall file a notice of dissolution with the lieutenant governor's office.

382 (b) Any notice of dissolution filed by a political action committee does not exempt that
383 political action committee from complying with the financial reporting requirements of this
384 chapter.

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

388 (b) Notice of a change of a primary officer described in Subsection (2) shall:

389 (i) be filed within ten days of the date of the change; and

390 (ii) contain the name and title of the officer being replaced, and the name, ~~H~~→ street ←~~H~~
390a address,
391 occupation, and title of the new officer.

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

395 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
396 contribution if the political action committee knowingly or recklessly accepts a contribution
397 from a corporation that:

398 (i) was organized less than 90 days before the date of the general election; and
399 (ii) at the time the political action committee accepts the contribution, has failed to file
400 a statement of organization with the lieutenant governor's office as required by Section
401 20A-11-704.

402 (c) A violation of this ~~§~~ → [section] Subsection (6) ← ~~§~~ is a third degree felony.
403 Section 5. Section **20A-11-704** is enacted to read:

404 **20A-11-704. Statement of organization required for certain new corporations.**

405 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days
406 before the date of a general election shall file a statement of organization with the lieutenant
407 governor's office before making a contribution to a political action committee or a political
408 issues committee in association with the election.

409 (2) The statement of organization shall include:

410 (a) the name and street address of the corporation;

411 (b) the name, street address, phone number, occupation, and title of one or more
412 individuals that have primary decision-making authority for the corporation;

413 (c) the name, street address, phone number, occupation, and title of the corporation's
414 chief financial officer;

415 (d) the name, street address, occupation, and title of all other officers or managers of
416 the corporation; and

417 (e) the name, street address, and occupation of each member of the corporation's
418 governing and advisory boards, if any.

419 Section 6. Section **20A-11-801** is amended to read:

420 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
421 **providing false information.**

422 (1) (a) Each political issues committee shall file a statement of organization with the
423 lieutenant governor's office by January 10 of each year, unless the political issues committee
424 has filed a notice of dissolution under Subsection (4).

425 (b) If a political issues committee is organized after the January 10 filing date, the
426 political issues committee shall file an initial statement of organization no later than seven days
427 after:

428 (i) receiving political issues contributions totaling at least \$750; or

429 (ii) disbursing political issues expenditures totaling at least \$50 ~~[in any calendar year]~~.

430 (c) If January 10 falls on a weekend or holiday, the statement of organization shall be
431 filed by the following business day.

432 (2) Each political issues committee shall designate two officers that have primary
433 decision-making authority for the political issues committee.

434 ~~[(2)]~~ (3) The statement of organization shall include:

435 (a) the name and street address of the political issues committee;

436 (b) the name, street address, phone number, occupation, and title of the two primary
437 officers designated under Subsection (2);

438 ~~[(b)]~~ (c) the name, street address, occupation, and title of [each officer] all other
439 officers of the political issues committee;

440 ~~[(c)]~~ (d) the name and street address of the organization, individual, corporation,
441 association, unit of government, or union that the political issues committee represents, if any;

442 ~~[(d)]~~ (e) the name and street address of all affiliated or connected organizations and
443 their relationships to the political issues committee;

444 ~~[(e)]~~ (f) the name, street address, business address, occupation, and phone number of
445 the committee's treasurer or chief financial officer;

446 ~~[(f)]~~ (g) the name, street address, and occupation of each member of the supervisory
447 [board] and advisory boards, if any; and

448 ~~[(g)]~~ (h) the ballot proposition whose outcome they wish to affect, and whether they
449 support or oppose it.

450 ~~[(3)]~~ (4) (a) Any registered political issues committee that intends to permanently cease
451 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
452 office.

453 (b) Any notice of dissolution filed by a political issues committee does not exempt that
454 political issues committee from complying with the financial reporting requirements of this
455 chapter.

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

459 (b) Notice of a change of a primary officer described in Subsection (2) shall:

- 460 (i) be filed within ten days of the date of the change; and
461 (ii) contain the name and title of the officer being replaced and the name, ~~H~~→ street ←~~H~~
461a address,
462 occupation, and title of the new officer.
- 463 (6) (a) A person is guilty of providing false information in relation to a political issues
464 committee if the person intentionally or knowingly gives false or misleading material
465 information in the statement of organization or the notice of change of primary officer.
- 466 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
467 contribution if the political issues committee knowingly or recklessly accepts a contribution
468 from a corporation that:
- 469 (i) was organized less than 90 days before the date of the general election; and
470 (ii) at the time the political issues committee accepts the contribution, has failed to file
471 a statement of organization with the lieutenant governor's office as required by Section
472 20A-11-704.
- 473 (c) A violation of this ~~S~~→ [section] Subsection (6) ←~~S~~ is a third degree felony.

Fiscal Note
Bill Number SB0055S02

Election Reform

02-Feb-06

3:44 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst