

ELECTION REFORM

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: L. Alma Mansell

House Sponsor: Brad L. Dee

Cosponsor: Scott D. McCoy

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:
 - providing false information on a statement of organization for a political action committee or political issues committee or on a notice of change of officer; or
 - accepting a contribution from certain business entities that have failed to

30 register with the lieutenant governor's office; and

31 ▶ requires business entities that are created just before a general election to file a
32 statement of organization with the lieutenant governor's office before making
33 political contributions.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **20A-9-201**, as last amended by Chapter 140, Laws of Utah 2003

41 **20A-9-203**, as last amended by Chapter 209, Laws of Utah 2004

42 **20A-11-601**, as enacted by Chapter 1, Laws of Utah 1995

43 **20A-11-801**, as last amended by Chapter 355, Laws of Utah 1997

44 ENACTS:

45 **20A-9-205**, Utah Code Annotated 1953

46 **20A-11-704**, Utah Code Annotated 1953



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

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

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

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

54 (a) be a United States citizen; and

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

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

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

58 Utah during any election year; or

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

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

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

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

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

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

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

74 (A) a United States citizen;

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

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

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

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

84 (A) a United States citizen;

85 (B) an attorney licensed to practice law in Utah who is an active member in good

86 standing of the Utah State Bar;

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

88 (D) a current resident of the prosecution district in which he is seeking office and either
89 will have been a resident of that prosecution district for at least one year as of the date of the
90 election or was appointed and is currently serving as district attorney and became a resident of
91 the prosecution district within 30 days after receiving appointment to the office.

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

94 (A) as of the date of filing:

95 (I) is a United States citizen;

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

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

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

101 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
102 53-13-103; and

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

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

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

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

112 (A) signing the pledge is voluntary; and

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

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

144 (i) who is disqualified; or

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

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

148 (ii) The lieutenant governor shall:

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

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

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

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

160 "Affidavit of Impecuniosity

161 Individual Name

162 _____ Address _____

163 Phone Number _____

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

166 Date _____ Signature _____

167 Affiant

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

169 _____

170 (signature)
171 Name and Title of Officer Authorized to Administer Oath _____"

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

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

175 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

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

197 (ii) A third, fourth, or fifth class city that used the convention system to nominate

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

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

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

212 (d) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5
213 p.m. on the following Monday.

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

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

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

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

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

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

- 226 (A) signing the pledge is voluntary; and
- 227 (B) signed pledges shall be filed with the filing officer; and
- 228 (ii) accept the declaration of candidacy or nomination petition.
- 229 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
- 230 officer shall:
- 231 (i) accept the candidate's pledge; and
- 232 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
- 233 candidate's pledge to the chair of the county or state political party of which the candidate is a
- 234 member.

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

236 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,

237 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a

238 registered voter; and that I am a candidate for the office of ____ (stating the term). I request

239 that my name be printed upon the applicable official ballots. (Signed) _____

240 Subscribed and sworn to (or affirmed) before me by ____ on this

241 _____(month\day\year).

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

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

244 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not

245 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated

246 for municipal office by submitting a petition signed by:

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

250 "NOMINATION PETITION

251 The undersigned residents of (name of municipality) being 18 years old or older

252 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is

253 applicable)."

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

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

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

262 "NOMINATION PETITION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

307 "PLEDGE OF FAIR CAMPAIGN PRACTICES

308 There are basic principles of decency, honesty, and fair play which every candidate for
309 public office in the State of Utah has a moral obligation to observe and uphold, in order that,

310 after vigorously contested but fairly conducted campaigns, our citizens may exercise their right
311 to a free election, and that the will of the people may be fully and clearly expressed on the
312 issues.

313 THEREFORE:

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

317 I SHALL NOT use nor shall I permit the use of scurrilous attacks on any candidate or
318 the candidate's immediate family. I shall not participate in or nor shall I permit the use of
319 defamation, libel, or slander against any candidate or the candidate's immediate family. I shall
320 not participate in nor shall I permit the use of any other criticism of any candidate or the
321 candidate's immediate family that I do not believe to be truthful, provable, and relevant to my
322 campaign.

323 I SHALL NOT use nor shall I permit the use of any practice that tends to 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 or accepting unlawful contribution.**

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, street**
- 391 **address, 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 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 or accepting unlawful contribution.**

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, street
462 address, 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 Subsection (6) is a third degree felony.