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	CAMPAIGN FINANCE AND REPORTING
	AMENDMENTS
	2006 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Curtis S. Bramble
	House Sponsor:
LONG T	TITLE
General	Description:
T	his bill modifies the Election Code to modify campaign finance and reporting
requirem	ents.
Highligh	nted Provisions:
T	his bill:
•	requires that campaign finance reports be made electronically;
•	modifies the Election Code to require state office candidates, candidates for
legislativ	ve offices, current officeholders, political parties, and state and local school
ooard ca	ndidates to file yearly summary reports;
•	requires the lieutenant governor to attempt to contact a candidate that fails to file
certain re	eports before attempting to remove the candidate from the ballot;
•	requires political action committees and political issues committees to designate and
disclose	the names of two officers having primary decision-making authority and to
provide i	notice of any change in a primary officer;
•	requires political action committees and political issues committees to file a yearly
statemen	t of organization;
•	changes the criminal penalty for failing to file campaign finance reports to an
administ	rative penalty;
	provides procedures for assessing and collecting the administrative penalty.



28	 provides a criminal penalty for knowingly providing false information on a
29	statement of organization for a political action committee or political issues
30	committee or on a notice of change of primary officer; and
31	makes technical changes.
32	Monies Appropriated in this Bill:
33	None
34	Other Special Clauses:
35	None
36	Utah Code Sections Affected:
37	AMENDS:
38	20A-11-103, as last amended by Chapter 166, Laws of Utah 2001
39	20A-11-203, as last amended by Chapter 355, Laws of Utah 1997
40	20A-11-206, as last amended by Chapter 93, Laws of Utah 1999
41	20A-11-302, as last amended by Chapter 355, Laws of Utah 1997
42	20A-11-305, as last amended by Chapter 93, Laws of Utah 1999
43	20A-11-401 , as last amended by Chapter 355, Laws of Utah 1997
44	20A-11-403, as repealed and reenacted by Chapter 355, Laws of Utah 1997
45	20A-11-506 , as last amended by Chapter 355, Laws of Utah 1997
46	20A-11-508, as repealed and reenacted by Chapter 355, Laws of Utah 1997
47	20A-11-601, as enacted by Chapter 1, Laws of Utah 1995
48	20A-11-602, as last amended by Chapters 45 and 86, Laws of Utah 1999
49	20A-11-603, as enacted by Chapter 355, Laws of Utah 1997
50	20A-11-703, as enacted by Chapter 355, Laws of Utah 1997
51	20A-11-801, as last amended by Chapter 355, Laws of Utah 1997
52	20A-11-802, as last amended by Chapters 160 and 304, Laws of Utah 2003
53	20A-11-803, as enacted by Chapter 355, Laws of Utah 1997
54	20A-11-1001, as last amended by Chapter 355, Laws of Utah 1997
55	20A-11-1002 , as last amended by Chapter 317, Laws of Utah 2002
56	20A-11-1302 , as enacted by Chapter 355, Laws of Utah 1997
57	20A-11-1305, as last amended by Chapter 215, Laws of Utah 2003

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

Section 1. Section **20A-11-103** is amended to read:

20A-11-103. Reports -- Form of submission.

- (1) (a) (i) Ten days before a report from a state office candidate, legislative office candidate, state school board candidate, political party, political action committee, political issues committee, or judge is due under this chapter, the lieutenant governor shall inform those candidates, judges, and entities by postal mail or, if requested by the candidate, judge, party, or committee, by electronic mail:
 - (A) that the report is due; and
 - (B) the date that the report is due.
- (ii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing, ten days before the interim reports for candidates or judges are due, the lieutenant governor shall inform the candidate or judge that if the report is not received in the lieutenant governor's office by 5 p.m. on the date that it is due, voters will be informed that the candidate or judge has been disqualified and any votes cast for the candidate or judge will not be counted.
- (iii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing, ten days before the interim reports or verified financial statements for entities that are due September 15 and before the regular general election are due, and ten days before summary reports or January 5 financial statements are due, the lieutenant governor shall inform the entity, candidate, judge, or officeholder that if the report is not received in the lieutenant governor's office by the date that it is due, the entity, candidate, judge, or officeholder may be guilty of a class B misdemeanor for failing to file the report or statement.
- (b) Ten days before a report from a local school board candidate is due under this chapter, the county clerk shall inform the candidate by postal mail or, if requested, by electronic mail:
 - (i) that the report is due;
 - (ii) the date that the report is due; and
- (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.
 - [(2) Persons or entities submitting reports required by this chapter may submit them:]

90	[(a) on paper, printed, typed, or legibly handwritten or hand printed;]
91	[(b) on a computer disk according to specifications established by the chief election
92	officer that protect against fraudulent filings and secure the accuracy of the information
93	contained on the computer disk;]
94	[(c) via fax; or]
95	[(d) via electronic mail according to specifications established by the chief election
96	officer.]
97	(2) A person or entity submitting a report or statement required by this chapter shall
98	submit the report or statement electronically via an online form or data entry system according
99	to specifications established by the chief election officer.
100	(3) A report <u>or statement</u> is considered filed if:
101	(a) it is received in the chief election officer's office no later than 5:00 p.m. on the date
102	that it is due;
103	(b) it is received in the chief election officer's office with a postmark three days or
104	more before the date that the report or statement was due; or
105	(c) the candidate, judge, or entity has proof that the report was mailed, with appropriate
106	postage and addressing, three days before the report or statement was due.
107	Section 2. Section 20A-11-203 is amended to read:
108	20A-11-203. State office candidate Financial reporting requirements
109	Year-end summary report.
110	(1) Each state office candidate shall file a summary report by January 5 of [the year
111	after the regular general election] each year.
112	(2) (a) Each summary report shall include the following information as of December 31
113	of the [last regular general election] previous year:
114	(i) the net balance [of] shown on the last summary report, if any;
115	(ii) a single figure equal to the total amount of receipts reported on all interim reports,
116	if any;
117	(iii) a single figure equal to the total amount of expenditures reported on all interim
118	reports, if any, filed during the election year;
119	(iv) a detailed listing of each contribution and public service assistance received since
120	the last summary report that has not been reported in detail on an interim report;

121 (v) for each nonmonetary contribution, the fair market value of the contribution; 122 (vi) a detailed listing of each expenditure made since the last summary report that has 123 not been reported in detail on an interim report; 124 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and 125 (viii) a net balance for the year, consisting of the net balance from the last summary 126 report, if any, plus all receipts received and minus all expenditures made. 127 (b) (i) For all single contributions or public service assistance of \$50 or less, a single 128 aggregate figure may be reported without separate detailed listings. 129 (ii) Two or more contributions from the same source that have an aggregate total of 130 more than \$50 may not be reported in the aggregate, but shall be reported separately. 131 (c) In preparing the report, all receipts and expenditures shall be reported as of 132 December 31 of the [last regular general election] previous year. 133 (3) The summary report shall contain a paragraph signed by an authorized member of 134 the state office candidate's personal campaign committee or by the state office candidate 135 certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been 136 reported as of December 31 of the [last regular general election] previous year and that there 137 are no bills or obligations outstanding and unpaid except as set forth in that report. 138 (4) State office candidates reporting under this section need only report receipts 139 received and expenditures made after April 29, 1991. 140 Section 3. Section **20A-11-206** is amended to read: 141 20A-11-206. State office candidate -- Failure to file reports -- Penalties. 142 (1) (a) If a state office candidate fails to file an interim report due before the regular 143 primary election, September 15, or before the regular general election, the lieutenant governor 144 shall, after making a reasonable attempt to discover if the report was timely mailed and to 145 inform the candidate of the delinquency, inform the county clerk and other appropriate election 146 officials who: 147 (i) shall, if practicable, remove the name of the candidate by blacking out the 148 candidate's name before the ballots are delivered to voters; or

cast for the candidate will not be counted; and

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(ii) shall, if removing the candidate's name from the ballot is not practicable, inform

the voters by any practicable method that the candidate has been disqualified and that votes

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152	(iii) may not count any votes for that candidate.
153	(b) Any state office candidate who fails to file timely a financial statement required by
154	this part is disqualified and the vacancy on the ballot may be filled as provided in Section
155	20A-1-501.
156	(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
157	disqualified if:
158	(i) the candidate files the reports required by this section;
159	(ii) those reports are completed, detailing accurately and completely the information
160	required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
161	and
162	(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
163	the next scheduled report.
164	(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
165	governor shall review each filed summary report to ensure that:
166	(i) each state office candidate that is required to file a summary report has filed one;
167	and
168	(ii) each summary report contains the information required by this part.
169	(b) If it appears that any state office candidate has failed to file the summary report
170	required by law, if it appears that a filed summary report does not conform to the law, or if the
171	lieutenant governor has received a written complaint alleging a violation of the law or the
172	falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
173	violation or receipt of a written complaint, notify the state office candidate of the violation or
174	written complaint and direct the state office candidate to file a summary report correcting the
175	problem.
176	(c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
177	report within 14 days after receiving notice from the lieutenant governor under this section.
178	[(ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
179	misdemeanor.]

(iii) Each state office candidate who willfully violates Subsection (2)(c)(i) may be

[(iii)] (ii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to

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the attorney general.

183	required to pay:
184	(A) a civil penalty of up to \$250 for each violation; and
185	(B) a civil penalty of up to \$500 for each subsequent violation.
186	(iv) The chief election officer may assess the civil penalty in accordance with Title 63,
187	Chapter 46b, Administrative Procedures Act.
188	(v) The chief election officer shall collect the civil penalty by bringing an action in the
189	district court for Salt Lake County.
190	(vi) An administrative penalty imposed pursuant to this section shall be deposited in
191	the General Fund.
192	Section 4. Section 20A-11-302 is amended to read:
193	20A-11-302. Legislative office candidate Financial reporting requirements
194	Year-end summary report.
195	(1) Each legislative office candidate shall file a summary report by January 5 of [the
196	year after the regular general election] each year.
197	(2) (a) Each summary report shall include the following information as of December 31
198	of the [last regular general election] <u>previous</u> year:
199	(i) the net balance [of] shown on the last summary report, if any;
200	(ii) a single figure equal to the total amount of receipts reported on all interim reports,
201	if any, during the calendar year in which the summary report is due;
202	(iii) a single figure equal to the total amount of expenditures reported on all interim
203	reports, if any, filed during the election year;
204	(iv) a detailed listing of each receipt, contribution, and public service assistance since
205	the last summary report that has not been reported in detail on an interim report;
206	(v) for each nonmonetary contribution, the fair market value of the contribution;
207	(vi) a detailed listing of each expenditure made since the last summary report that has
208	not been reported in detail on an interim report;
209	(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
210	(viii) a net balance for the year, consisting of the net balance from the last summary
211	report, if any, plus all receipts received and minus all expenditures made.
212	(b) (i) For all individual contributions or public service assistance of \$50 or less, a
213	single aggregate figure may be reported without separate detailed listings.

214 (ii) Two or more contributions from the same source that have an aggregate total of 215 more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of 217 December 31 of the [last regular general election] previous year.

- (3) The summary report shall contain a paragraph signed by the legislative office candidate certifying that to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the [last regular general election] previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.
- 223 (4) Legislative office candidates reporting under this section need only report receipts 224 received and expenditures made after April 29, 1991.
 - Section 5. Section **20A-11-305** is amended to read:

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20A-11-305. Legislative office candidate -- Failure to file report -- Name not printed on ballot -- Filling vacancy.

- (1) (a) If a legislative office candidate fails to file an interim report due before the regular primary election, September 15, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely mailed and to inform the candidate of the delinquency, inform the county clerk and other appropriate election officials who:
- (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
 - (iii) may not count any votes for that candidate.
- (b) Any legislative office candidate who fails to file timely a financial statement required by this part is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501.
- 242 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not 243 disqualified if:
 - (i) the candidate files the reports required by this section;

(ii) those reports are completed, detailing accurately and completely the information		
required by this part except for inadvertent omissions or insignificant errors or inaccuracies;		
and		
(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in		
the next scheduled report.		
(2) (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 legislative 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 legislative 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 legislative office candidate of the		
violation or written complaint and direct the legislative office candidate to file a summary		
report correcting the problem.		
(c) (i) It is unlawful for any legislative office candidate to fail to file or amend a		
summary report within 14 days after receiving notice from the lieutenant governor under this		
section.		
[(ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a		
class B misdemeanor.]		
[(iii)] (ii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to		
the attorney general.		
(iii) Each legislative office candidate who willfully violates Subsection (2)(c)(i) may be		
required to pay:		
(A) a civil penalty of up to \$250 for each violation; and		
(B) a civil penalty of up to \$500 for each subsequent violation.		
(iv) The chief election officer may assess the civil penalty in accordance with Title 63,		
Chapter 46b, Administrative Procedures Act.		

(v) The chief election officer shall collect the civil penalty by bringing an action in the

276	district court of a county in which the legislative office candidate's legislative district is located.
277	(vi) An administrative penalty imposed pursuant to this section shall be deposited in
278	the General Fund.
279	Section 6. Section 20A-11-401 is amended to read:
280	20A-11-401. Officeholder financial reporting requirements Year-end summary
281	report.
282	(1) Each officeholder shall file a summary report by January 5 of [the year after the
283	regular general election] each year.
284	(2) (a) Each summary report shall include the following information as of December 31
285	of the [last regular general election] previous year:
286	(i) the net balance [of] shown on the last summary report, if any;
287	(ii) a detailed listing of each contribution and public service assistance received since
288	the last summary report;
289	(iii) for each nonmonetary contribution, the fair market value of the contribution;
290	(iv) a detailed listing of each expenditure made since the last summary report;
291	(v) for each nonmonetary expenditure, the fair market value of the expenditure; and
292	(vi) a net balance for the year, consisting of the net balance from the last summary
293	report plus all receipts received and minus all expenditures made.
294	(b) (i) For all individual contributions or public service assistance of \$50 or less, a
295	single aggregate figure may be reported without separate detailed listings.
296	(ii) Two or more contributions from the same source that have an aggregate total of
297	more than \$50 may not be reported in the aggregate, but shall be reported separately.
298	(c) In preparing the report, all receipts and expenditures shall be reported as of
299	December 31 of the [last regular general election] previous year.
300	(3) The summary report shall contain a paragraph signed by the officeholder certifying
301	that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
302	reported as of December 31 of the [last regular general election] previous year and that there
303	are no bills or obligations outstanding and unpaid except as set forth in that report.
304	Section 7. Section 20A-11-403 is amended to read:
305	20A-11-403. Failure to file Penalties.
306	(1) Within 30 days after a deadline for the filing of a summary report, the lieutenant

307	governor shall review each filed summary report to ensure that:
308	(a) each officeholder that is required to file a summary report has filed one; and
309	(b) each summary report contains the information required by this part.
310	(2) If it appears that any officeholder has failed to file the summary report required by
311	law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
312	governor has received a written complaint alleging a violation of the law or the falsity of any
313	summary report, the lieutenant governor shall, within five days of discovery of a violation or
314	receipt of a written complaint, notify the officeholder of the violation or written complaint and
315	direct the officeholder to file a summary report correcting the problem.
316	(3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
317	within 14 days after receiving notice from the lieutenant governor under this section.
318	[(b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
319	misdemeanor.]
320	[(c)] (b) The lieutenant governor shall report all violations of Subsection (3)(a) to the
321	attorney general.
322	(c) Each officeholder who willfully violates Subsection (3)(a) may be required to pay:
323	(i) a civil penalty of up to \$250 for each violation; and
324	(ii) a civil penalty of up to \$500 for each subsequent violation.
325	(d) The chief election officer may assess the civil penalty in accordance with Title 63,
326	Chapter 46b, Administrative Procedures Act.
327	(e) The chief election officer shall collect the civil penalty by bringing an action:
328	(i) in the district court of a county in which the officeholder's office is located; or
329	(ii) in the case of a statewide officeholder, in the district court for Salt Lake County.
330	(f) An administrative penalty imposed pursuant to this section shall be deposited in the
331	General Fund.
332	Section 8. Section 20A-11-506 is amended to read:
333	20A-11-506. Political party financial reporting requirements Year-end
334	summary report.
335	(1) Each party committee shall file a summary report by January 5 of [the year after the
336	regular general election] each year.
337	(2) (a) Each summary report shall include the following information as of December 31

338	of the [regular general election] previous year:
339	(i) the net balance [of] shown on the last summary report, if any;
340	(ii) a single figure equal to the total amount of receipts reported on all interim reports,
341	if any, during the election year;
342	(iii) a single figure equal to the total amount of expenditures reported on all interim
343	reports, if any, filed during the election year;
344	(iv) a detailed listing of each contribution and public service assistance received since
345	the last summary report that has not been reported in detail on an interim report;
346	(v) for each nonmonetary contribution, the fair market value of the contribution;
347	(vi) a detailed listing of each expenditure made since the last summary report that has
348	not been reported in detail on an interim report;
349	(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
350	(viii) a net balance for the year, consisting of the net balance from the last summary
351	report, if any, plus all receipts received and minus all expenditures made.
352	(b) (i) For all individual contributions or public service assistance of \$50 or less, a
353	single aggregate figure may be reported without separate detailed listings.
354	(ii) Two or more contributions from the same source that have an aggregate total of
355	more than \$50 may not be reported in the aggregate, but shall be reported separately.
356	(c) In preparing the report, all receipts and expenditures shall be reported as of
357	December 31 of the [last regular general election] previous year.
358	(3) The summary report shall contain a paragraph signed by the treasurer of the party
359	committee certifying that, to the best of the treasurer's knowledge, all receipts and all
360	expenditures have been reported as of December 31 of the [last regular general election]
361	previous year and that there are no bills or obligations outstanding and unpaid except as set
362	forth in that report.
363	Section 9. Section 20A-11-508 is amended to read:
364	20A-11-508. Political party reporting requirements Penalties.
365	(1) (a) [Each] It is unlawful for a registered political party [that fails] to file [the]
366	an interim [reports] report that is due:
367	(i) on September 15; or

(ii) before the regular general session [is guilty of a class B misdemeanor].

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369	(b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
370	attorney general.
371	(2) Within 30 days after a deadline for the filing of a summary report required by this
372	part, the lieutenant governor shall review each filed report to ensure that:
373	(a) each political party that is required to file a report has filed one; and
374	(b) each report contains the information required by this part.
375	(3) If it appears that any political party has failed to file a report required by law, if it
376	appears that a filed report does not conform to the law, or if the lieutenant governor has
377	received a written complaint alleging a violation of the law or the falsity of any report, the
378	lieutenant governor shall, within five days of discovery of a violation or receipt of a written
379	complaint, notify the political party of the violation or written complaint and direct the political
380	party to file a summary report correcting the problem.
381	(4) (a) It is unlawful for any political party to fail to file or amend a summary report
382	within 14 days after receiving notice from the lieutenant governor under this section.
383	[(b) Each political party who violates Subsection (4)(a) is guilty of a class B
384	misdemeanor.]
385	[(e)] (b) The lieutenant governor shall report all violations of Subsection (4)(a) to the
386	attorney general.
387	(c) Each political party that willfully violates Subsection (1)(a) or (4)(a) may be
388	required to pay:
389	(i) a civil penalty of up to \$250 for each violation; and
390	(ii) a civil penalty of up to \$500 for each subsequent violation.
391	(d) The chief election officer may assess the civil penalty in accordance with Title 63,
392	Chapter 46b, Administrative Procedures Act.
393	(e) The chief election officer shall collect the civil penalty by bringing an action in the
394	district court of a county in which the headquarters of the political party is located.
395	(f) An administrative penalty imposed pursuant to this section shall be deposited in the
396	General Fund.
397	Section 10. Section 20A-11-601 is amended to read:
398	20A-11-601. Political action committees Registration.
399	(1) (a) Each political action committee shall file a statement of organization with the

400	lieutenant governor's office by January 10 of each year, unless the political action committee
401	has filed a notice of dissolution under Subsection (4).
402	(b) If a political action committee is organized after the January 10 filing date, the
403	political action committee shall file an initial statement of organization no later than seven days
404	after:
405	[(a)] (i) receiving contributions totaling at least \$750 [in any calendar year]; or
406	[(b)] (ii) distributing expenditures for political purposes totaling at least \$750 [in any
407	calendar year].
408	(c) If January 10 falls on a weekend or holiday, the statement of organization shall be
409	filed by the following business day.
410	(2) Each political action committee shall designate two officers that have primary
411	decision-making authority for the political action committee.
412	$\left[\frac{(2)}{(3)}\right]$ The statement of organization shall include:
413	(a) the name and street address of the political action committee;
414	(b) the name, street address, phone number, occupation, and title of the two primary
415	officers designated under Subsection (2);
416	[(b)] (c) the name, street address, occupation, and title of [each officer] all other
417	officers of the political action committee;
418	[(c)] (d) the name and street address of the organization, individual corporation,
419	association, unit of government, or union that the political action committee represents, if any;
420	[(d)] (e) the name and street address of all affiliated or connected organizations and
421	their relationships to the political action committee;
422	[(e)] (f) the name, street address, business address, occupation, and phone number of
423	the committee's treasurer or chief financial officer; and
424	[(f)] (g) the name, street address, and occupation of each member of the governing
425	[board] and advisory boards, if any.
426	$\left[\frac{(3)}{4}\right]$ (a) Any registered political action committee that intends to permanently cease
427	operations shall file a notice of dissolution with the lieutenant governor's office.
428	(b) Any notice of dissolution filed by a political action committee does not exempt that
429	political action committee from complying with the financial reporting requirements of this
430	chapter.

431	(5) (a) Unless the political action committee has filed a notice of dissolution under
432	Subsection (4), a political action committee shall file, with the lieutenant governor's office,
433	notice of any change of an officer described in Subsection (2).
434	(b) Notice of a change of a primary officer described in Subsection (2) shall:
435	(i) be filed within ten days of the date of the change; and
436	(ii) contain the name and title of the officer being replaced, and the name, street
437	address, occupation, and title of the new officer.
438	(6) (a) A person is guilty of providing false information in relation to a political action
439	committee if the person intentionally or knowingly gives false or misleading material
440	information in the statement of organization or the notice of change of primary officer.
441	(b) A violation of this Subsection (6) is a third degree felony.
442	Section 11. Section 20A-11-602 is amended to read:
443	20A-11-602. Political action committees Financial reporting.
444	(1) (a) Each registered political action committee that has received contributions or
445	made expenditures that total at least \$750 during a calendar year shall file a verified financial
446	statement with the lieutenant governor's office on:
447	(i) January 5, reporting contributions and expenditures as of December 31 of the
448	previous year;
449	(ii) September 15; and
450	(iii) seven days before the regular general election.
451	(b) The registered political action committee shall report:
452	(i) a detailed listing of all contributions received and expenditures made since the last
453	statement; and
454	(ii) for financial statements filed on September 15 and before the general election, all
455	contributions and expenditures as of three days before the required filing date of the financial
456	statement.
457	(c) [The] (i) Except as provided in Subsection (1)(c)(ii), the registered political action
458	committee need not file a statement under this section if it received no contributions and made
459	no expenditures [during the reporting period.] since the last filed statement.
460	(ii) Each registered political action committee shall file the January 5 verified financial
461	statement required by Subsection (1)(a)(i) even if it received no contributions and made no

462	expenditures during the previous calendar year.		
463	(2) (a) The verified financial statement shall include:		
464	(i) the name, address, and occupation of any individual that makes a contribution to the		
465	reporting political action committee, and the amount of the contribution;		
466	(ii) the identification of any publicly identified class of individuals that makes a		
467	contribution to the reporting political action committee, and the amount of the contribution;		
468	(iii) the name and address of any political action committee, group, or entity that makes		
469	a contribution to the reporting political action committee, and the amount of the contribution;		
470	(iv) for each nonmonetary contribution, the fair market value of the contribution;		
471	(v) the name and address of each reporting entity that received an expenditure from the		
472	reporting political action committee, and the amount of each expenditure;		
473	(vi) for each nonmonetary expenditure, the fair market value of the expenditure;		
474	(vii) the total amount of contributions received and expenditures disbursed by the		
475	reporting political action committee;		
476	(viii) a paragraph signed by the political action committee's treasurer or chief financial		
477	officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and		
478	(ix) a summary page in the form required by the lieutenant governor that identifies:		
479	(A) beginning balance;		
480	(B) total contributions during the period since the last statement;		
481	(C) total contributions to date;		
482	(D) total expenditures during the period since the last statement; and		
483	(E) total expenditures to date.		
484	(b) (i) Contributions received by a political action committee that have a value of \$50		
485	or less need not be reported individually, but shall be listed on the report as an aggregate total.		
486	(ii) Two or more contributions from the same source that have an aggregate total of		
487	more than \$50 may not be reported in the aggregate, but shall be reported separately.		
488	Section 12. Section 20A-11-603 is amended to read:		
489	20A-11-603. Penalties.		
490	(1) (a) [Each] It is unlawful for a political action committee [that fails] to fail to file the		
491	statement that is due:		
492	(i) on September 15; or		

193	(ii) before the regular general session [is guilty of a class B misdemeanor].
194	(b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
195	attorney general.
196	(2) Within 30 days after a deadline for the filing of the January 5 statement required by
197	this part, the lieutenant governor shall review each filed statement to ensure that:
198	(a) each political action committee that is required to file a statement has filed one; and
199	(b) each statement contains the information required by this part.
500	(3) If it appears that any political action committee has failed to file the January 5
501	statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
502	governor has received a written complaint alleging a violation of the law or the falsity of any
503	statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
504	of a written complaint, notify the political action committee of the violation or written
505	complaint and direct the political action committee to file a statement correcting the problem.
506	(4) (a) It is unlawful for any political action committee to fail to file or amend a
507	statement within 14 days after receiving notice from the lieutenant governor under this section.
508	[(b) Each political action committee who violates Subsection (4)(a) is guilty of a class
509	B misdemeanor.]
510	[(c)] (b) The lieutenant governor shall report all violations of Subsection (4)(a) to the
511	attorney general.
512	(5) (a) Each political action committee that willfully violates Subsection (1)(a) or (4)(a)
513	may be required to pay:
514	(i) a civil penalty of up to \$250 for each violation; and
515	(ii) a civil penalty of up to \$500 for each subsequent violation.
516	(b) The chief election officer may assess the civil penalty in accordance with Title 63,
517	Chapter 46b, Administrative Procedures Act.
518	(c) The chief election officer shall collect the civil penalty by bringing an action in the
519	district court of a county in which the headquarters of the political action committee is located.
520	(d) An administrative penalty imposed pursuant to this section shall be deposited in the
521	General Fund.
522	Section 13. Section 20A-11-703 is amended to read:
523	20A-11-703 Penalties

524	(1) Within 30 days after a deadline for the filing of any statement required by this part,			
525	the lieutenant governor shall review each filed statement to ensure that:			
526	(a) each corporation that is required to file a statement has filed one; and			
527	(b) each statement contains the information required by this part.			
528	(2) If it appears that any corporation has failed to file any statement, if it appears that a			
529	filed statement does not conform to the law, or if the lieutenant governor has received a written			
530	complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor			
531	shall, within five days of discovery of a violation or receipt of a written complaint, notify the			
532	corporation of the violation or written complaint and direct the corporation to file a statement			
533	correcting the problem.			
534	(3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14			
535	days after receiving notice from the lieutenant governor under this section.			
536	[(b) Each corporation who violates Subsection (3)(a) is guilty of a class B			
537	misdemeanor.]			
538	[(e)] (b) The lieutenant governor shall report all violations of this Subsection (3)(a) to			
539	the attorney general.			
540	(c) Each corporation that willfully violates Subsection (3)(a) may be required to pay:			
541	(i) a civil penalty of up to \$250 for each violation; and			
542	(ii) a civil penalty of up to \$500 for each subsequent violation.			
543	(d) The chief election officer may assess the civil penalty in accordance with Title 63,			
544	Chapter 46b, Administrative Procedures Act.			
545	(e) The chief election officer shall collect the civil penalty by bringing an action in the			
546	district court of a county in which the corporation is located.			
547	(f) An administrative penalty imposed pursuant to this section shall be deposited in the			
548	General Fund.			
549	Section 14. Section 20A-11-801 is amended to read:			
550	20A-11-801. Political issues committees Registration.			
551	(1) (a) Each political issues committee shall file a statement of organization with the			
552	lieutenant governor's office by January 10 of each year, unless the political issues committee			
553	has filed a notice of dissolution under Subsection (4).			
554	(b) If a political issues committee is organized after the January 10 filing date, the			

555	political issues committee shall file an initial statement of organization no later than seven days		
556	after:		
557	(i) receiving political issues contributions totaling at least \$750; or		
558	(ii) disbursing political issues expenditures totaling at least \$50 [in any calendar year].		
559	(c) If January 10 falls on a weekend or holiday, the statement of organization shall be		
560	filed by the following business day.		
561	(2) Each political issues committee shall designate two officers that have primary		
562	decision-making authority for the political issues committee.		
563	$\left[\frac{(2)}{(3)}\right]$ The statement of organization shall include:		
564	(a) the name and street address of the political issues committee;		
565	(b) the name, street address, phone number, occupation, and title of the two primary		
566	officers designated under Subsection (2);		
567	[(b)] (c) the name, street address, occupation, and title of [each officer] all other		
568	officers of the political issues committee;		
569	[(c)] (d) the name and street address of the organization, individual, corporation,		
570	association, unit of government, or union that the political issues committee represents, if any;		
571	[(d)] (e) the name and street address of all affiliated or connected organizations and		
572	their relationships to the political issues committee;		
573	[(e)] (f) the name, street address, business address, occupation, and phone number of		
574	the committee's treasurer or chief financial officer;		
575	[(f)] (g) the name, street address, and occupation of each member of the supervisory		
576	[board] and advisory boards, if any; and		
577	[(g)] (h) the ballot proposition whose outcome they wish to affect, and whether they		
578	support or oppose it.		
579	[(3)] (4) (a) Any registered political issues committee that intends to permanently cease		
580	operations during a calendar year shall file a notice of dissolution with the lieutenant governor's		
581	office.		
582	(b) Any notice of dissolution filed by a political issues committee does not exempt that		
583	political issues committee from complying with the financial reporting requirements of this		
584	chapter.		
585	(5) (a) Unless the political issues committee has filed a notice of dissolution under		

Subsection (4), a political issues committee shall file, with the lieutenant governor's office,		
notice of any change of an officer described in Subsection (2).		
(b) Notice of a change of a primary officer described in Subsection (2) shall:		
(i) be filed within ten days of the date of the change; and		
(ii) contain the name and title of the officer being replaced, and the name, street		
address, occupation, and title of the new officer.		
(6) (a) A person is guilty of providing false information in relation to a political issues		
committee if the person intentionally or knowingly gives false or misleading material		
information in the statement of organization or the notice of change of primary officer.		
(b) A violation of this Subsection (6) is a third degree felony.		
Section 15. Section 20A-11-802 is amended to read:		
20A-11-802. Political issues committees Financial reporting.		
(1) (a) Each registered political issues committee that has received political issues		
contributions totaling at least \$750, or disbursed political issues expenditures totaling at least		
\$50 during a calendar year on current or proposed statewide ballot propositions, to influence an		
incorporation petition or an incorporation election, or on initiative petitions to be submitted to		
the Legislature, shall file a verified financial statement with the lieutenant governor's office:		
(i) on January 5, reporting contributions and expenditures as of December 31 of the		
previous year;		
(ii) seven days before the date of an incorporation election, if the political issues		
committee has received donations or made disbursements to affect an incorporation;		
(iii) March 1;		
(iv) June 1;		
(v) at least three days before the first public hearing held as required by Section		
20A-7-204.1;		
(vi) at the time the sponsors submit the verified and certified initiative packets to the		
county clerk as required by Section 20A-7-206;		
(vii) on September 15; and		
(viii) seven days before the regular general election.		
(b) The political issues committee shall report:		
(i) a detailed listing of all contributions received and expenditures made since the last		

statement; and

(ii) for financial statements filed on September 15 and before the general election, all contributions and expenditures as of three days before the required filing date of the financial statement.

- (c) [The] (i) Except as provided in Subsection (1)(c)(ii), the political issues committee need not file a statement under this section if it received no contributions and made no expenditures [during the reporting period.] since the last filed statement.
- (ii) Each registered political issues committee shall file the January 5 verified financial statement required by Subsection (1)(a)(i) even if it received no contributions and made no expenditures during the previous calendar year.
 - (2) (a) [That] The verified financial statement shall include:
- (i) the name, address, and occupation of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (iii) the name and address of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- (iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
 - (v) for each nonmonetary contribution, the fair market value of the contribution;
- (vi) except as provided in Subsection (2)(c), 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 reporting political issues committee, and the amount of each political issues expenditure;
 - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 646 (viii) the total amount of political issues contributions received and political issues 647 expenditures disbursed by the reporting political issues committee;

648	(ix) a paragraph signed by the political issues committee's treasurer or chief financial		
649	officer verifying that, to the best of the signer's knowledge, the financial statement is accurate;		
650	and		
651	(x) a summary page in the form required by the lieutenant governor that identifies:		
652	(A) beginning balance;		
653	(B) total contributions during the period since the last statement;		
654	(C) total contributions to date;		
655	(D) total expenditures during the period since the last statement; and		
656	(E) total expenditures to date.		
657	(b) (i) Political issues contributions received by a political issues committee that have a		
658	value of \$50 or less need not be reported individually, but shall be listed on the report as an		
659	aggregate total.		
660	(ii) Two or more political issues contributions from the same source that have an		
661	aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported		
662	separately.		
663	(c) When reporting political issue expenditures made to circulators of initiative		
664	petitions, the political issues committee:		
665	(i) need only report the amount paid to each initiative petition circulator; and		
666	(ii) need not report the name or address of the circulator.		
667	Section 16. Section 20A-11-803 is amended to read:		
668	20A-11-803. Penalties.		
669	(1) (a) [Each] It is unlawful for a political issues committee [that fails] to fail to file the		
670	statement that is due:		
671	(i) on September 15; or		
672	(ii) before the regular general session [is guilty of a class B misdemeanor].		
673	(b) The lieutenant governor shall report all violations of Subsection (1)(a) to the		
674	attorney general.		
675	(2) Within 30 days after a deadline for the filing of the January 5 statement, the		
676	lieutenant governor shall review each filed statement to ensure that:		
677	(a) each political issues committee that is required to file a statement has filed one; and		
678	(b) each statement contains the information required by this part.		

679	(3) If it appears that any political issues committee has failed to file the January 5		
680	statement, if it appears that a filed statement does not conform to the law, or if the lieutenant		
681	governor has received a written complaint alleging a violation of the law or the falsity of any		
682	statement, the lieutenant governor shall, within five days of discovery of a violation or receipt		
683	of a written complaint, notify the political issues committee of the violation or written		
684	complaint and direct the political issues committee to file a statement correcting the problem.		
685	(4) (a) It is unlawful for any political issues committee to fail to file or amend a		
686	statement within 14 days after receiving notice from the lieutenant governor under this section.		
687	[(b) Each political issues committee who violates Subsection (4)(a) is guilty of a class		
688	B misdemeanor.]		
689	[(e)] (b) The lieutenant governor shall report all violations of Subsection (4)(a) to the		
690	attorney general.		
691	(5) (a) Each political issues committee that willfully violates Subsection (1)(a) or (4)(a)		
692	may be required to pay:		
693	(i) a civil penalty of up to \$250 for each violation; and		
694	(ii) a civil penalty of up to \$500 for each subsequent violation.		
695	(b) The chief election officer may assess the civil penalty in accordance with Title 63,		
696	Chapter 46b, Administrative Procedures Act.		
697	(c) The chief election officer shall collect the civil penalty by bringing an action in the		
698	district court of a county in which the headquarters of the political issues committee is located.		
699	(d) An administrative penalty imposed pursuant to this section shall be deposited in the		
700	General Fund.		
701	Section 17. Section 20A-11-1001 is amended to read:		
702	20A-11-1001. Means for filing to be prepared and furnished by chief election		
703	officer.		
704	The chief election officer shall:		
705	(1) develop and prepare forms [for] or other methods for filing all statements and		
706	reports required by this chapter; and		
707	(2) provide <u>instructions for filing</u> , and copies of [the] <u>filing</u> forms, as applicable, to the		
708	secretary of every committee, to every candidate, and to all others who request them.		
709	Section 18. Section 20A-11-1002 is amended to read:		

710	20A-11-1002. Retention and public inspection of reports Written complaint if		
711	statement is false or unlawful.		
712	(1) The chief election officer shall:		
713	(a) make each [financial] statement or report required by this chapter:		
714	(i) open to public inspection in the office of the chief election officer; and		
715	(ii) available for viewing on the Internet at the lieutenant governor's website within		
716	seven calendar days after the report is received by the chief election officer;		
717	(b) preserve those statements or reports for at least five years; and		
718	(c) provide certified copies of the [financial] statements or reports in the same manner		
719	as for other public records.		
720	(2) Any candidate or voter may file a written complaint with the chief election officer		
721	alleging that a filed [financial] statement or report does not conform to law or to the truth.		
722	Section 19. Section 20A-11-1302 is amended to read:		
723	20A-11-1302. School board office candidate Financial reporting requirements		
724	Year-end summary report.		
725	(1) Each school board office candidate shall file a summary report by January 5 of [the		
726	year after the regular general election] each year.		
727	(2) (a) Each summary report shall include the following information as of December 31		
728	of the [last regular general election] <u>previous</u> year:		
729	(i) the net balance [of] shown on the last summary report, if any;		
730	(ii) a single figure equal to the total amount of receipts reported on all interim reports,		
731	if any, during the calendar year in which the summary report is due;		
732	(iii) a single figure equal to the total amount of expenditures reported on all interim		
733	reports, if any, filed during the election year;		
734	(iv) a detailed listing of each receipt, contribution, and public service assistance since		
735	the last summary report that has not been reported in detail on an interim report;		
736	(v) for each nonmonetary contribution, the fair market value of the contribution;		
737	(vi) a detailed listing of each expenditure made since the last summary report that has		
738	not been reported in detail on an interim report;		
739	(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and		
740	(viii) a net balance for the year, consisting of the net balance from the last summary		

report, if any, plus all receipts <u>received and</u> minus all expenditures <u>made</u>.

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(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

- (ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the [last regular general election] previous year.
- (3) The summary report shall contain a paragraph signed by the school board office candidate certifying that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the [last regular general election] previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.
- (4) School board office candidates reporting under this section need only report receipts received and expenditures made after May 5, 1997.
 - Section 20. Section **20A-11-1305** is amended to read:

20A-11-1305. School board office candidate -- Failure to file statement -- Name not printed on ballot -- Filling vacancy.

- (1) (a) If a school board office candidate fails to file an interim report due before the regular primary election, September 15, and before the regular general election, the chief election officer shall, after making a reasonable attempt to discover if the report was timely mailed and to inform the candidate of the delinquency, inform the county clerk and other appropriate election officials who:
- (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for candidate will not be counted; and
 - (iii) may not count any votes for that candidate.
- 769 (b) Any school board office candidate who fails to file timely a financial statement 770 required by this part is disqualified and the vacancy on the ballot may be filled as provided in 771 Section 20A-1-501.

772 (c) Notwithstanding Subsection (1)(a) and (1)(b), a school board office candidate is not 773 disqualified if:

(i) the candidate files the reports required by this section;

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- 775 (ii) those reports are completed, detailing accurately and completely the information 776 required by this part except for inadvertent omissions or insignificant errors or inaccuracies; 777 and
 - (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
 - (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate for state school board, the lieutenant governor shall review each filed summary report to ensure that:
 - (i) each state school board 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 school board 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 school board candidate of the violation or written complaint and direct the state school board candidate to file a summary report correcting the problem.
 - (c) (i) It is unlawful for any state school board candidate to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.
 - [(ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.]
 - $[\frac{(iii)}]$ (ii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
- 800 (iii) Each state school board candidate who willfully violates Subsection (2)(c)(i) may
 801 be required to pay:
- (A) a civil penalty of up to \$250 for each violation; and

803	(B) a civil penalty of up to \$500 for each subsequent violation.		
804	(iv) The chief election officer may assess the civil penalty in accordance with Title 63,		
805	Chapter 46b, Administrative Procedures Act.		
806	(v) The chief election officer shall collect the civil penalty by bringing an action in the		
807	district court in the county in which the state school board candidate resides.		
808	(vi) An administrative penalty imposed pursuant to this section shall be deposited in		
809	the General Fund.		
810	(3) (a) Within 30 days after a deadline for the filing of a summary report, the county		
811	clerk shall review each filed summary report to ensure that:		
812	(i) each local school board candidate that is required to file a summary report has filed		
813	one; and		
814	(ii) each summary report contains the information required by this part.		
815	(b) If it appears that any local school board candidate has failed to file the summary		
816	report required by law, if it appears that a filed summary report does not conform to the law, or		
817	if the county clerk has received a written complaint alleging a violation of the law or the falsity		
818	of any summary report, the county clerk shall, within five days of discovery of a violation or		
819	receipt of a written complaint, notify the local school board candidate of the violation or		
820	written complaint and direct the local school board candidate to file a summary report		
821	correcting the problem.		
822	(c) (i) It is unlawful for any local school board candidate to fail to file or amend a		
823	summary report within 14 days after receiving notice from the county clerk under this section.		
824	[(ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a		
825	class B misdemeanor.]		
826	[(iii)] (ii) The county clerk shall report all violations of Subsection (3)(c)(i) to the		
827	district or county attorney.		
828	(iii) Each local school board candidate who willfully violates Subsection (3)(c)(i) may		
829	be required to pay:		
830	(A) a civil penalty of up to \$250 for each violation; and		
831	(B) a civil penalty of up to \$500 for each subsequent violation.		
832	(iv) The chief election officer may assess the civil penalty in accordance with Title 63,		
833	Chapter 46b. Administrative Procedures Act.		

(v) The chief election officer shall collect the civil penalty by bringing an action in the district court in the county in which the local school board candidate resides.
 (vi) An administrative penalty imposed pursuant to this section shall be deposited in the General Fund.

Legislative Review Note as of 2-14-06 9:06 AM

S.B. 254

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Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

02-15-06 1:12 PM

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Fiscal	No	te
Bill Nun	iher	SB0254

Campaign Finance and Reporting Amendments

23-Feb-06 2:40 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