

**ELECTION LAW - FINANCIAL REPORTING**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies election financial reporting provisions in the Election Code, the Municipal Code, and Title 17, Counties.

**Highlighted Provisions:**

This bill:

- ▶ requires municipalities and counties to make campaign finance disclosure statements that are filed by candidates for elective office available for public copying and inspection no later than the working day following the date of filing;

- ▶ requires municipalities and counties to either:

- post an electronic copy or the contents of the disclosure statement on the municipality's or county's website and provide the link to the lieutenant governor's office; or

- submit a copy of the statement for posting on the lieutenant governor's campaign finance disclosure website;

- ▶ expands the regulation of political issues committees to include committees that receive contributions or make expenditures in relation to local ballot issues, instead of only statewide ballot issues;

- ▶ expands the regulation of political action committees to include committees that receive contributions or make expenditures to influence the election of a candidate for county or municipal office;

- ▶ clarifies definitions;

- ▶ requires the lieutenant governor to make campaign finance disclosure statements

30 available for public copying and inspection no later than the working day following the date of  
31 filing;

32       ▶ provides a statutory requirement for the lieutenant governor to post campaign  
33 finance disclosure statements on the Internet;

34       ▶ requires the lieutenant governor to post each campaign finance statement that is  
35 provided by a municipality or a county on its website; and

36       ▶ makes technical changes.

37 **Monies Appropriated in this Bill:**

38       None

39 **Other Special Clauses:**

40       None

41 **Utah Code Sections Affected:**

42 AMENDS:

43       **10-3-208**, as last amended by Laws of Utah 2007, Chapter 256

44       **17-16-6.5**, as last amended by Laws of Utah 2003, Chapter 215

45       **20A-11-101**, as last amended by Laws of Utah 2004, Chapter 90

46       **20A-11-602**, as last amended by Laws of Utah 1999, Chapters 45 and 86

47       **20A-11-103**, as last amended by Laws of Utah 2001, Chapter 166

48       **20A-11-802**, as last amended by Laws of Utah 2003, Chapters 160 and 304



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

51       Section 1. Section **10-3-208** is amended to read:

52       **10-3-208. Campaign finance statement in municipal election.**

53       (1) As used in this section:

54       (a) "Reporting date" means:

55       (i) ten days before a municipal general election, for a campaign finance statement  
56 required to be filed no later than seven days before a municipal general election; and

57       (ii) the day of filing, for a campaign finance statement required to be filed no later than

58 30 days after a municipal primary or general election.

59 (b) "Reporting limit" means:

60 (i) \$50; or

61 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

62 (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal  
63 primary election shall file with the municipal clerk or recorder a campaign finance statement:

64 (A) no later than seven days before the date of the municipal general election; and

65 (B) no later than 30 days after the date of the municipal general election.

66 (ii) Each candidate for municipal office who is eliminated at a municipal primary  
67 election shall file with the municipal clerk or recorder a campaign finance statement no later  
68 than 30 days after the date of the municipal primary election.

69 (b) Each campaign finance statement under Subsection (2)(a) shall:

70 (i) except as provided in Subsection (2)(b)(ii):

71 (A) report all of the candidate's itemized and total:

72 (I) campaign contributions, including in-kind and other nonmonetary contributions,  
73 received before the close of the reporting date; and

74 (II) campaign expenditures made through the close of the reporting date; and

75 (B) identify:

76 (I) for each contribution that exceeds the reporting limit, the amount of the contribution  
77 and the name of the donor;

78 (II) the aggregate total of all contributions that individually do not exceed the reporting  
79 limit; and

80 (III) for each campaign expenditure, the amount of the expenditure and the name of the  
81 recipient of the expenditure; or

82 (ii) report the total amount of all campaign contributions and expenditures if the  
83 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the  
84 candidate's campaign.

85 (3) (a) A municipality may, by ordinance:

86 (i) provide a reporting limit lower than \$50;

87 (ii) require greater disclosure of campaign contributions and expenditures than is  
88 required in this section; and

89 (iii) impose additional penalties on candidates who fail to comply with the applicable  
90 requirements beyond those imposed by this section.

91 (b) A candidate for municipal office is subject to the provisions of this section and not  
92 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

93 (i) the municipal ordinance establishes requirements or penalties that differ from those  
94 established in this section; and

95 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the  
96 ordinance as required in Subsection (4).

97 (4) Each municipal clerk or recorder shall, at the time the candidate for municipal office  
98 files a declaration of candidacy, and again 14 days before each municipal general election, notify  
99 the candidate in writing of:

100 (a) the provisions of statute or municipal ordinance governing the disclosure of  
101 campaign contributions and expenditures;

102 (b) the dates when the candidate's campaign finance statement is required to be filed;  
103 and

104 (c) the penalties that apply for failure to file a timely campaign finance statement,  
105 including the statutory provision that requires removal of the candidate's name from the ballot  
106 for failure to file the required campaign finance statement when required.

107 (5) Notwithstanding any provision of Title 63, Chapter 2, Government Records Access  
108 and Management Act, the municipal clerk or recorder shall:

109 (a) make each campaign finance statement filed by a candidate available for public  
110 inspection and copying no later than one business day after the statement is filed[-]; and

111 (b) make the campaign finance statement filed by a candidate available for public  
112 inspection by:

113 (i) (A) posting an electronic copy or the contents of the statement on the municipality's

114 website no later than seven business days after the statement is filed; and

115 (B) verifying that the address of the municipality's website has been provided to the  
116 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

117 (ii) submitting a copy of the statement to the lieutenant governor for posting on the  
118 website established by the lieutenant governor under Section 20A-11-103 no later than two  
119 business days after the statement is filed.

120 (6) (a) If a candidate fails to file a campaign finance statement before the municipal  
121 general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or  
122 recorder shall inform the appropriate election official who:

123 (i) shall:

124 (A) if practicable, remove the candidate's name from the ballot by blacking out the  
125 candidate's name before the ballots are delivered to voters; or

126 (B) if removing the candidate's name from the ballot is not practicable, inform the  
127 voters by any practicable method that the candidate has been disqualified and that votes cast for  
128 the candidate will not be counted; and

129 (ii) may not count any votes for that candidate.

130 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance  
131 statement seven days before a municipal general election is not disqualified if:

132 (i) the statement details accurately and completely the information required under  
133 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

134 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
135 next scheduled report.

136 (7) A campaign finance statement required under this section is considered filed if it is  
137 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

138 (8) (a) A private party in interest may bring a civil action in district court to enforce the  
139 provisions of this section or an ordinance adopted under this section.

140 (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's  
141 fees to the prevailing party.

142 Section 2. Section **17-16-6.5** is amended to read:

143 **17-16-6.5. Campaign financial disclosure in county elections.**

144 (1) (a) By January 1, 1996, each county shall adopt an ordinance establishing campaign  
145 finance disclosure requirements for candidates for county office.

146 (b) The ordinance shall include:

147 (i) a requirement that each candidate for county office report his itemized and total  
148 campaign contributions and expenditures at least once within the two weeks before the election  
149 and at least once within two months after the election;

150 (ii) a definition of "contribution" and "expenditure" that requires reporting of  
151 nonmonetary contributions such as in-kind contributions and contributions of tangible things;  
152 and

153 (iii) a requirement that the financial reports identify:

154 (A) for each contribution of more than \$50, the name of the donor of the contribution  
155 and the amount of the contribution; and

156 (B) for each expenditure, the name of the recipient and the amount of the expenditure.

157 (2) (a) Except as provided in Subsection (2)(b), if any county fails to adopt a campaign  
158 finance disclosure ordinance by January 1, 1996, candidates for county office shall comply with  
159 the financial reporting requirements contained in Subsections (3) through (6).

160 (b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting  
161 the requirements of Subsection (1), that county need not comply with the requirements of  
162 Subsections (3) through (6).

163 (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance  
164 meeting the requirements of this section, each candidate for elective office in any county who is  
165 not required to submit a campaign financial statement to the lieutenant governor shall file a  
166 signed campaign financial statement with the county clerk:

167 (i) seven days before the date of the regular general election, reporting each  
168 contribution of more than \$50 and each expenditure as of ten days before the date of the regular  
169 general election; and

- 170 (ii) no later than 30 days after the date of the regular general election.
- 171 (b) Candidates for community council offices are exempt from the requirements of this
- 172 section.
- 173 (4) (a) The statement filed seven days before the regular general election shall include:
- 174 (i) a list of each contribution of more than \$50 received by the candidate, and the name
- 175 of the donor;
- 176 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and
- 177 (iii) a list of each expenditure for political purposes made during the campaign period,
- 178 and the recipient of each expenditure.
- 179 (b) The statement filed 30 days after the regular general election shall include:
- 180 (i) a list of each contribution of more than \$50 received after the cutoff date for the
- 181 statement filed seven days before the election, and the name of the donor;
- 182 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after
- 183 the cutoff date for the statement filed seven days before the election; and
- 184 (iii) a list of all expenditures for political purposes made by the candidate after the
- 185 cutoff date for the statement filed seven days before the election, and the recipient of each
- 186 expenditure.
- 187 (5) Candidates for elective office in any county who are eliminated at a primary election
- 188 shall file a signed campaign financial statement containing the information required by this
- 189 section not later than 30 days after the primary election.
- 190 (6) Any person who fails to comply with this section is guilty of an infraction.
- 191 (7) Counties may, by ordinance, enact requirements that:
- 192 (a) require greater disclosure of campaign contributions and expenditures; and
- 193 (b) impose additional penalties.
- 194 (8) (a) If a candidate fails to file an interim report due before the election, the county
- 195 clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform
- 196 the appropriate election officials who:
- 197 (i) shall, if practicable, remove the name of the candidate by blacking out the candidate's

198 name before the ballots are delivered to voters; or

199 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform the  
200 voters by any practicable method that the candidate has been disqualified and that votes cast for  
201 the candidate will not be counted; and

202 (iii) may not count any votes for that candidate.

203 (b) Notwithstanding Subsection (8)(a), a candidate is not disqualified if:

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

205 (ii) those reports are completed, detailing accurately and completely the information  
206 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;  
207 and

208 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
209 the next scheduled report.

210 (c) A report is considered filed if:

211 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is  
212 due;

213 (ii) it is received in the county clerk's office with a U.S. Postal Service postmark three  
214 days or more before the date that the report was due; or

215 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
216 addressing, three days before the report was due.

217 (9) (a) Any private party in interest may bring a civil action in district court to enforce  
218 the provisions of this section or any ordinance adopted under this section.

219 (b) In a civil action filed under Subsection (9)(a), the court shall award costs and  
220 attorney's fees to the prevailing party.

221 (10) Notwithstanding any provision of Title 63, Chapter 2, Government Records  
222 Access and Management Act, the county clerk shall:

223 (a) make each campaign finance statement filed by a candidate available for public  
224 inspection and copying no later than one business day after the statement is filed; and

225 (b) make the campaign finance statement filed by a candidate available for public



226 inspection by:

227 (i) (A) posting an electronic copy or the contents of the statement on the county's  
228 website no later than seven business days after the statement is filed; and

229 (B) verifying that the address of the county's website has been provided to the  
230 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

231 (ii) submitting a copy of the statement to the lieutenant governor for posting on the  
232 website established by the lieutenant governor under Section 20A-11-103 no later than two  
233 business days after the statement is filed.

234 Section 3. Section **20A-11-101** is amended to read:

235 **20A-11-101. Definitions.**

236 As used in this chapter:

237 (1) "Address" means the number and street where an individual resides or where a  
238 reporting entity has its principal office.

239 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
240 amendments, and any other ballot propositions submitted to the voters that are authorized by  
241 the Utah Code Annotated 1953.

242 (3) "Candidate" means any person who:

243 (a) files a declaration of candidacy for a public office; or

244 (b) receives contributions, makes expenditures, or gives consent for any other person to  
245 receive contributions or make expenditures to bring about the person's nomination or election to  
246 a public office.

247 (4) "Chief election officer" means:

248 (a) the lieutenant governor for state office candidates, legislative office candidates,  
249 officeholders, political parties, political action committees, corporations, political issues  
250 committees, and state school board candidates; and

251 (b) the county clerk for local school board candidates.

252 (5) "Continuing political party" means an organization of voters that participated in the  
253 last regular general election and polled a total vote equal to 2% or more of the total votes cast

254 for all candidates for the United States House of Representatives.

255 (6) (a) "Contribution" means any of the following when done for political purposes:

256 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
257 value given to the filing entity;

258 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
259 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
260 anything of value to the filing entity;

261 (iii) any transfer of funds from another reporting entity or a corporation to the filing  
262 entity;

263 (iv) compensation paid by any person or reporting entity other than the filing entity for  
264 personal services provided without charge to the filing entity;

265 (v) remuneration from any organization or its directly affiliated organization that has a  
266 registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature  
267 is in session;

268 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of  
269 the state, including school districts, for the period the Legislature is in session; and

270 (vii) goods or services provided to or for the benefit of the filing entity at less than fair  
271 market value.

272 (b) "Contribution" does not include:

273 (i) services provided without compensation by individuals volunteering a portion or all  
274 of their time on behalf of the filing entity; or

275 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
276 business.

277 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
278 organization that is registered as a corporation or is authorized to do business in a state and  
279 makes any expenditure from corporate funds for:

280 (i) political purposes; or

281 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.

- 282 (b) "Corporation" does not mean:
- 283 (i) a business organization's political action committee or political issues committee; or
- 284 (ii) a business entity organized as a partnership or a sole proprietorship.
- 285 (8) "Detailed listing" means:
- 286 (a) for each contribution or public service assistance:
- 287 (i) the name and address of the individual or source making the contribution or public
- 288 service assistance;
- 289 (ii) the amount or value of the contribution or public service assistance; and
- 290 (iii) the date the contribution or public service assistance was made; and
- 291 (b) for each expenditure:
- 292 (i) the amount of the expenditure;
- 293 (ii) the person or entity to whom it was disbursed;
- 294 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 295 (iv) the date the expenditure was made.
- 296 (9) "Election" means each:
- 297 (a) regular general election;
- 298 (b) regular primary election; and
- 299 (c) special election at which candidates are eliminated and selected.
- 300 (10) (a) "Expenditure" means:
- 301 (i) any disbursement from contributions, receipts, or from the separate bank account
- 302 required by this chapter;
- 303 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 304 or anything of value made for political purposes;
- 305 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 306 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 307 value for political purposes;
- 308 (iv) compensation paid by a corporation or filing entity for personal services rendered
- 309 by a person without charge to a reporting entity;

310 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
311 committee; or

312 (vi) goods or services provided by the filing entity to or for the benefit of another  
313 reporting entity for political purposes at less than fair market value.

314 (b) "Expenditure" does not include:

315 (i) services provided without compensation by individuals volunteering a portion or all  
316 of their time on behalf of a reporting entity;

317 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
318 business; or

319 (iii) anything listed in Subsection (10)(a) that is given by a corporation or reporting  
320 entity to candidates for office or officeholders in states other than Utah.

321 (11) "Filing entity" means the reporting entity that is filing a report required by this  
322 chapter.

323 (12) "Financial statement" includes any summary report, interim report, or other  
324 statement disclosing contributions, expenditures, receipts, donations, or disbursements that is  
325 required by this chapter.

326 (13) "Governing board" means the individual or group of individuals that determine the  
327 candidates and committees that will receive expenditures from a political action committee.

328 (14) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
329 Incorporation, by which a geographical area becomes legally recognized as a city or town.

330 (15) "Incorporation election" means the election authorized by Section 10-2-111.

331 (16) "Incorporation petition" means a petition authorized by Section 10-2-109.

332 (17) "Individual" means a natural person.

333 (18) "Interim report" means a report identifying the contributions received and  
334 expenditures made since the last report.

335 (19) "Legislative office" means the office of state senator, state representative, speaker  
336 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
337 whip of any party caucus in either house of the Legislature.

338 (20) "Legislative office candidate" means a person who:

339 (a) files a declaration of candidacy for the office of state senator or state representative;

340 (b) declares himself to be a candidate for, or actively campaigns for, the position of  
341 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
342 assistant whip of any party caucus in either house of the Legislature; and

343 (c) receives contributions, makes expenditures, or gives consent for any other person to  
344 receive contributions or make expenditures to bring about the person's nomination or election to  
345 a legislative office.

346 (21) "Newly registered political party" means an organization of voters that has  
347 complied with the petition and organizing procedures of this chapter to become a registered  
348 political party.

349 (22) "Officeholder" means a person who holds a public office.

350 (23) "Party committee" means any committee organized by or authorized by the  
351 governing board of a registered political party.

352 (24) "Person" means both natural and legal persons, including individuals, business  
353 organizations, personal campaign committees, party committees, political action committees,  
354 political issues committees, labor unions, and labor organizations.

355 (25) "Personal campaign committee" means the committee appointed by a candidate to  
356 act for the candidate as provided in this chapter.

357 (26) (a) "Political action committee" means an entity, or any group of individuals or  
358 entities within or outside this state, that solicits or receives contributions from any other person,  
359 group, or entity or makes expenditures;

360 (i) for political purposes~~[- A group or entity may not divide or separate into units,~~  
361 ~~sections, or smaller groups for the purpose of avoiding the financial reporting requirements of~~  
362 ~~this chapter, and substance shall prevail over form in determining the scope or size of a political~~  
363 ~~action committee.]; or~~

364 (ii) with the intent or in a way to influence or tend to influence, directly or indirectly,  
365 any person to refrain from voting or to vote for or against any candidate for a municipal or

366 county office.

367 (b) "Political action committee" includes groups affiliated with a registered political  
368 party but not authorized or organized by the governing board of the registered political party  
369 that receive contributions or makes expenditures for political purposes.

370 (c) "Political action committee" does not mean:

371 (i) a party committee;

372 (ii) any entity that provides goods or services to a candidate or committee in the regular  
373 course of its business at the same price that would be provided to the general public;

374 (iii) an individual;

375 (iv) individuals who are related and who make contributions from a joint checking  
376 account;

377 (v) a corporation; or

378 (vi) a personal campaign committee.

379 (27) "Political convention" means a county or state political convention held by a  
380 registered political party to select candidates.

381 (28) (a) "Political issues committee" means an entity, or any group of individuals or  
382 entities within or outside this state, that solicits or receives donations from any other person,  
383 group, or entity or makes disbursements to influence, or to intend to influence, directly or  
384 indirectly, any person to:

385 (i) assist in placing a [~~statewide~~] ballot proposition on the ballot, assist in keeping a  
386 [~~statewide~~] ballot proposition off the ballot, or refrain from voting or vote for or vote against  
387 any [~~statewide~~] ballot proposition; or

388 (ii) sign or refuse to sign an incorporation petition or refrain from voting, vote for, or  
389 vote against any proposed incorporation in an incorporation election.

390 (b) "Political issues committee" does not mean:

391 (i) a registered political party or a party committee;

392 (ii) any entity that provides goods or services to an individual or committee in the  
393 regular course of its business at the same price that would be provided to the general public;

394 (iii) an individual;

395 (iv) individuals who are related and who make contributions from a joint checking

396 account; or

397 (v) a corporation, except a corporation whose apparent purpose is to act as a political

398 issues committee.

399 (29) (a) "Political issues contribution" means any of the following:

400 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or

401 anything of value given to a political issues committee;

402 (ii) an express, legally enforceable contract, promise, or agreement to make a political

403 issues donation to influence the approval or defeat of any ballot proposition;

404 (iii) any transfer of funds received by a political issues committee from a reporting

405 entity;

406 (iv) compensation paid by another reporting entity for personal services rendered

407 without charge to a political issues committee; and

408 (v) goods or services provided to or for the benefit of a political issues committee at

409 less than fair market value.

410 (b) "Political issues contribution" does not include:

411 (i) services provided without compensation by individuals volunteering a portion or all

412 of their time on behalf of a political issues committee; or

413 (ii) money lent to a political issues committee by a financial institution in the ordinary

414 course of business.

415 (30) (a) "Political issues expenditure" means any of the following:

416 (i) any payment from political issues contributions made for the purpose of influencing

417 the approval or the defeat of:

418 (A) a [statewide] ballot proposition; or

419 (B) an incorporation petition or incorporation election;

420 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for

421 the purpose of influencing the approval or the defeat of;

- 422            (A) a [statewide] ballot proposition; or
- 423            (B) an incorporation petition or incorporation election;
- 424            (iii) an express, legally enforceable contract, promise, or agreement to make any
- 425 political issues expenditure;
- 426            (iv) compensation paid by a reporting entity for personal services rendered by a person
- 427 without charge to a political issues committee; or
- 428            (v) goods or services provided to or for the benefit of another reporting entity at less
- 429 than fair market value.

- 430            (b) "Political issues expenditure" does not include:
- 431            (i) services provided without compensation by individuals volunteering a portion or all
- 432 of their time on behalf of a political issues committee; or
- 433            (ii) money lent to a political issues committee by a financial institution in the ordinary
- 434 course of business.

435            (31) "Political purposes" means an act done with the intent or in a way to influence or

436 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or

437 against any candidate for public office at any caucus, political convention, primary, or election.

438            (32) "Primary election" means any regular primary election held under the election laws.

439            (33) "Public office" means the office of governor, lieutenant governor, state auditor,

440 state treasurer, attorney general, state or local school board member, state senator, state

441 representative, speaker of the House of Representatives, president of the Senate, and the leader,

442 whip, and assistant whip of any party caucus in either house of the Legislature.

443            (34) (a) "Public service assistance" means the following when given or provided to an

444 officeholder to defray the costs of functioning in a public office or aid the officeholder to

445 communicate with the officeholder's constituents:

- 446            (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 447 money or anything of value to an officeholder; or
- 448            (ii) goods or services provided at less than fair market value to or for the benefit of the
- 449 officeholder.



- 450 (b) "Public service assistance" does not include:
- 451 (i) anything provided by the state;
- 452 (ii) services provided without compensation by individuals volunteering a portion or all  
453 of their time on behalf of an officeholder;
- 454 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
455 business;
- 456 (iv) news coverage or any publication by the news media; or
- 457 (v) any article, story, or other coverage as part of any regular publication of any  
458 organization unless substantially all the publication is devoted to information about the  
459 officeholder.
- 460 (35) "Publicly identified class of individuals" means a group of 50 or more individuals  
461 sharing a common occupation, interest, or association that contribute to a political action  
462 committee or political issues committee and whose names can be obtained by contacting the  
463 political action committee or political issues committee upon whose financial report they are  
464 listed.
- 465 (36) "Receipts" means contributions and public service assistance.
- 466 (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
467 Lobbyist Disclosure and Regulation Act.
- 468 (38) "Registered political action committee" means any political action committee that  
469 is required by this chapter to file a statement of organization with the lieutenant governor's  
470 office.
- 471 (39) "Registered political issues committee" means any political issues committee that is  
472 required by this chapter to file a statement of organization with the lieutenant governor's office.
- 473 (40) "Registered political party" means an organization of voters that:
- 474 (a) participated in the last regular general election and polled a total vote equal to 2%  
475 or more of the total votes cast for all candidates for the United States House of Representatives  
476 for any of its candidates for any office; or
- 477 (b) has complied with the petition and organizing procedures of this chapter.

478 (41) "Report" means a verified financial statement.

479 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
480 an officeholder, and a party committee, a political action committee, and a political issues  
481 committee.

482 (43) "School board office" means the office of state school board or local school board.

483 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or  
484 intangible asset that comprises the contribution.

485 (b) "Source" means, for political action committees and corporations, the political  
486 action committee and the corporation as entities, not the contributors to the political action  
487 committee or the owners or shareholders of the corporation.

488 (45) "State office" means the offices of governor, lieutenant governor, attorney general,  
489 state auditor, and state treasurer.

490 (46) "State office candidate" means a person who:

491 (a) files a declaration of candidacy for a state office; or

492 (b) receives contributions, makes expenditures, or gives consent for any other person to  
493 receive contributions or make expenditures to bring about the person's nomination or election to  
494 a state office.

495 (47) "Summary report" means the year end report containing the summary of a  
496 reporting entity's contributions and expenditures.

497 (48) "Supervisory board" means the individual or group of individuals that allocate  
498 expenditures from a political issues committee.

499 Section 4. Section **20A-11-103** is amended to read:

500 **20A-11-103. Reports -- Form of submission -- Public availability -- Notice of**  
501 **local filings.**

502 (1) (a) (i) Ten days before a report from a state office candidate, legislative office  
503 candidate, state school board candidate, political party, political action committee, political  
504 issues committee, or judge is due under this chapter, the lieutenant governor shall inform those  
505 candidates, judges, and entities by postal mail or, if requested by the candidate, judge, party, or

506 committee, by electronic mail:

507 (A) that the report is due; and

508 (B) the date that the report is due.

509 (ii) In addition to the information required by Subsection (1)(a)(i) and in the same  
510 mailing, ten days before the interim reports for candidates or judges are due, the lieutenant  
511 governor shall inform the candidate or judge that if the report is not received in the lieutenant  
512 governor's office by 5 p.m. on the date that it is due, voters will be informed that the candidate  
513 or judge has been disqualified and any votes cast for the candidate or judge will not be counted.

514 (iii) In addition to the information required by Subsection (1)(a)(i) and in the same  
515 mailing, ten days before the interim reports or verified financial statements for entities that are  
516 due September 15 and before the regular general election are due, and ten days before summary  
517 reports or January 5 financial statements are due, the lieutenant governor shall inform the entity,  
518 candidate, judge, or officeholder that if the report is not received in the lieutenant governor's  
519 office by the date that it is due, the entity, candidate, judge, or officeholder may be guilty of a  
520 class B misdemeanor for failing to file the report or statement.

521 (b) Ten days before a report from a local school board candidate is due under this  
522 chapter, the county clerk shall inform the candidate by postal mail or, if requested, by electronic  
523 mail:

524 (i) that the report is due;

525 (ii) the date that the report is due; and

526 (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it  
527 is due, voters will be informed that the candidate has been disqualified and any votes cast for the  
528 candidate will not be counted.

529 (2) Persons or entities submitting reports required by this chapter may submit them:

530 (a) on paper, printed, typed, or legibly handwritten or hand printed;

531 (b) on a computer disk according to specifications established by the chief election  
532 officer that protect against fraudulent filings and secure the accuracy of the information  
533 contained on the computer disk;

534 (c) via fax; or  
535 (d) via electronic mail according to specifications established by the chief election  
536 officer.

537 (3) A report is considered filed if:  
538 (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date  
539 that it is due;  
540 (b) it is received in the chief election officer's office with a postmark three days or more  
541 before the date that the report was due; or  
542 (c) the candidate, judge, or entity has proof that the report was mailed, with appropriate  
543 postage and addressing, three days before the report was due.

544 (4) Notwithstanding any provision of Title 63, Chapter 2, Government Records Access  
545 and Management Act, the lieutenant governor shall:

546 (a) make each campaign finance statement filed by a candidate available for public  
547 inspection and copying no later than one business day after the statement is filed; and  
548 (b) post an electronic copy or the contents of each campaign finance statement on a  
549 website established by the lieutenant governor:

550 (i) for campaign finance statements submitted to the lieutenant governor under the  
551 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after  
552 the date of receipt of the campaign finance statement; or  
553 (ii) for a campaign finance statement filed under the requirements of this chapter, no  
554 later than seven business days after the date the statement is due.

555 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,  
556 elects to provide campaign finance disclosure on its own website, rather than through the  
557 lieutenant governor, the website established by the lieutenant governor shall contain a link or  
558 other access point to the municipality or county website.

559 Section 5. Section **20A-11-602** is amended to read:  
560 **20A-11-602. Political action committees -- Financial reporting.**  
561 (1) (a) Each registered political action committee that has received contributions or

562 made expenditures that total at least \$750 during a calendar year shall file a verified financial  
563 statement with the lieutenant governor's office on:

564 (i) January 5, reporting contributions and expenditures as of December 31 of the  
565 previous year;

566 (ii) September 15; and

567 (iii) seven days before the regular general election.

568 (b) The registered political action committee shall report:

569 (i) a detailed listing of all contributions received and expenditures made since the last  
570 statement; and

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

574 (c) The registered political action committee need not file a statement under this section  
575 if it received no contributions and made no expenditures during the reporting period.

576 (2) (a) The verified financial statement shall include:

577 (i) the name, address, and occupation of any individual that makes a contribution to the  
578 reporting political action committee, and the amount of the contribution;

579 (ii) the identification of any publicly identified class of individuals that makes a  
580 contribution to the reporting political action committee, and the amount of the contribution;

581 (iii) the name and address of any political action committee, group, or entity that makes  
582 a contribution to the reporting political action committee, and the amount of the contribution;

583 (iv) for each nonmonetary contribution, the fair market value of the contribution;

584 (v) the name and address of each reporting entity that received an expenditure from the  
585 reporting political action committee, and the amount of each expenditure;

586 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

587 (vii) the total amount of contributions received and expenditures disbursed by the  
588 reporting political action committee;

589 (viii) a paragraph signed by the political action committee's treasurer or chief financial

590 officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and

591 (ix) a summary page in the form required by the lieutenant governor that identifies:

592 (A) beginning balance;

593 (B) total contributions during the period since the last statement;

594 (C) total contributions to date;

595 (D) total expenditures during the period since the last statement; and

596 (E) total expenditures to date.

597 (b) (i) Contributions received by a political action committee that have a value of \$50 or  
598 less need not be reported individually, but shall be listed on the report as an aggregate total.

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

601 (3) A group or entity may not divide or separate into units, sections, or smaller groups  
602 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
603 shall prevail over form in determining the scope or size of a political action committee.

604 Section 6. Section **20A-11-802** is amended to read:

605 **20A-11-802. Political issues committees -- Financial reporting.**

606 (1) (a) Each registered political issues committee that has received political issues  
607 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
608 \$50 during a calendar year [~~on current or proposed statewide ballot propositions, to influence~~  
609 ~~an incorporation petition or an incorporation election, or on initiative petitions to be submitted~~  
610 ~~to the Legislature~~], shall file a verified financial statement with the lieutenant governor's office:

611 (i) on January 5, reporting contributions and expenditures as of December 31 of the  
612 previous year;

613 (ii) seven days before the date of an incorporation election, if the political issues  
614 committee has received donations or made disbursements to affect an incorporation;

615 (iii) March 1;

616 (iv) June 1;

617 (v) at least three days before the first public hearing held as required by Section

618 20A-7-204.1;

619 (vi) at the time the sponsors submit the verified and certified initiative packets to the  
620 county clerk as required by Section 20A-7-206;

621 (vii) on September 15; and

622 (viii) seven days before the regular general election.

623 (b) The political issues committee shall report:

624 (i) a detailed listing of all contributions received and expenditures made since the last  
625 statement; and

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

629 (c) The political issues committee need not file a statement under this section if it  
630 received no contributions and made no expenditures during the reporting period.

631 (2) (a) That statement shall include:

632 (i) the name, address, and occupation of any individual that makes a political issues  
633 contribution to the reporting political issues committee, and the amount of the political issues  
634 contribution;

635 (ii) the identification of any publicly identified class of individuals that makes a political  
636 issues contribution to the reporting political issues committee, and the amount of the political  
637 issues contribution;

638 (iii) the name and address of any political issues committee, group, or entity that makes  
639 a political issues contribution to the reporting political issues committee, and the amount of the  
640 political issues contribution;

641 (iv) the name and address of each reporting entity that makes a political issues  
642 contribution to the reporting political issues committee, and the amount of the political issues  
643 contribution;

644 (v) for each nonmonetary contribution, the fair market value of the contribution;

645 (vi) except as provided in Subsection (2)(c), the name and address of each individual,

646 entity, or group of individuals or entities that received a political issues expenditure of more  
647 than \$50 from the reporting political issues committee, and the amount of each political issues  
648 expenditure;

649 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

650 (viii) the total amount of political issues contributions received and political issues  
651 expenditures disbursed by the reporting political issues committee;

652 (ix) a paragraph signed by the political issues committee's treasurer or chief financial  
653 officer verifying that, to the best of the signer's knowledge, the financial statement is accurate;

654 and

655 (x) a summary page in the form required by the lieutenant governor that identifies:

656 (A) beginning balance;

657 (B) total contributions during the period since the last statement;

658 (C) total contributions to date;

659 (D) total expenditures during the period since the last statement; and

660 (E) total expenditures to date.

661 (b) (i) Political issues contributions received by a political issues committee that have a  
662 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
663 aggregate total.

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

667 (c) When reporting political issue expenditures made to circulators of initiative  
668 petitions, the political issues committee:

669 (i) need only report the amount paid to each initiative petition circulator; and

670 (ii) need not report the name or address of the circulator.