

1                                   **ELECTION LAW - FINANCIAL REPORTING**

2   2008 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Bradley M. Daw**

5                                   Senate Sponsor: Margaret Dayton

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7 **LONG TITLE**

8 **Committee Note:**

9           The Political Subdivisions Interim Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14           This bill:

- 15           ▶ requires municipalities and counties to make campaign finance disclosure  
16 statements that are filed by candidates for elective office available for public  
17 copying and inspection no later than the working day following the date of filing;
- 18           ▶ requires municipalities and counties to either:
- 19               • post an electronic copy or the contents of the disclosure statement on the  
20 municipality's or county's website and provide the link to the lieutenant  
21 governor's office; or
- 22               • submit a copy of the statement for posting on the lieutenant governor's  
23 campaign finance disclosure website;
- 24           ▶ expands the regulation of political issues committees to include committees that  
25 receive contributions or make expenditures in relation to local ballot issues, as  
26 opposed to prior regulation of only statewide ballot issues;
- 27           ▶ clarifies definitions;



- 28           ▶ requires the lieutenant governor to make campaign finance disclosure statements
- 29 available for public copying and inspection no later than the working day following
- 30 the date of filing;
- 31           ▶ provides a statutory requirement for the lieutenant governor to post campaign
- 32 finance disclosure statements on the Internet;
- 33           ▶ requires the lieutenant governor to post each campaign finance statement that is
- 34 provided by a municipality or a county on its website; and
- 35           ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37           None

38 **Other Special Clauses:**

39           None

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42           **10-3-208**, as last amended by Laws of Utah 2007, Chapter 256
- 43           **17-16-6.5**, as last amended by Laws of Utah 2003, Chapter 215
- 44           **20A-11-101**, as last amended by Laws of Utah 2004, Chapter 90
- 45           **20A-11-103**, as last amended by Laws of Utah 2001, Chapter 166
- 46           **20A-11-802**, as last amended by Laws of Utah 2003, Chapters 160 and 304



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

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

50           **10-3-208. Campaign finance statement in municipal election.**

51           (1) As used in this section:

52           (a) "Reporting date" means:

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

55           (ii) the day of filing, for a campaign finance statement required to be filed no later than  
56 30 days after a municipal primary or general election.

57           (b) "Reporting limit" means:

58           (i) \$50; or

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

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

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

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

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

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

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

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

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

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

73 (B) identify:

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

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

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

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

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

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

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

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

89 (b) A candidate for municipal office is subject to the provisions of this section and not

90 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 121 (i) shall:
- 122 (A) if practicable, remove the candidate's name from the ballot by blacking out the
- 123 candidate's name before the ballots are delivered to voters; or
- 124 (B) if removing the candidate's name from the ballot is not practicable, inform the
- 125 voters by any practicable method that the candidate has been disqualified and that votes cast for
- 126 the candidate will not be counted; and
- 127 (ii) may not count any votes for that candidate.
- 128 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance
- 129 statement seven days before a municipal general election is not disqualified if:
- 130 (i) the statement details accurately and completely the information required under
- 131 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and
- 132 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
- 133 next scheduled report.
- 134 (7) A campaign finance statement required under this section is considered filed if it is
- 135 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.
- 136 (8) (a) A private party in interest may bring a civil action in district court to enforce the
- 137 provisions of this section or an ordinance adopted under this section.
- 138 (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's
- 139 fees to the prevailing party.
- 140 Section 2. Section **17-16-6.5** is amended to read:
- 141 **17-16-6.5. Campaign financial disclosure in county elections.**
- 142 (1) (a) By January 1, 1996, each county shall adopt an ordinance establishing campaign
- 143 finance disclosure requirements for candidates for county office.
- 144 (b) The ordinance shall include:
- 145 (i) a requirement that each candidate for county office report his itemized and total
- 146 campaign contributions and expenditures at least once within the two weeks before the election
- 147 and at least once within two months after the election;
- 148 (ii) a definition of "contribution" and "expenditure" that requires reporting of
- 149 nonmonetary contributions such as in-kind contributions and contributions of tangible things;
- 150 and
- 151 (iii) a requirement that the financial reports identify:

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

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

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

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

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

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

168 (ii) no later than 30 days after the date of the regular general election.

169 (b) Candidates for community council offices are exempt from the requirements of this  
170 section.

171 (4) (a) The statement filed seven days before the regular general election shall include:

172 (i) a list of each contribution of more than \$50 received by the candidate, and the name  
173 of the donor;

174 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

175 (iii) a list of each expenditure for political purposes made during the campaign period,  
176 and the recipient of each expenditure.

177 (b) The statement filed 30 days after the regular general election shall include:

178 (i) a list of each contribution of more than \$50 received after the cutoff date for the  
179 statement filed seven days before the election, and the name of the donor;

180 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after  
181 the cutoff date for the statement filed seven days before the election; and

182 (iii) a list of all expenditures for political purposes made by the candidate after the

183 cutoff date for the statement filed seven days before the election, and the recipient of each  
184 expenditure.

185 (5) Candidates for elective office in any county who are eliminated at a primary  
186 election shall file a signed campaign financial statement containing the information required by  
187 this section not later than 30 days after the primary election.

188 (6) Any person who fails to comply with this section is guilty of an infraction.

189 (7) Counties may, by ordinance, enact requirements that:

190 (a) require greater disclosure of campaign contributions and expenditures; and

191 (b) impose additional penalties.

192 (8) (a) If a candidate fails to file an interim report due before the election, the county  
193 clerk shall, after making a reasonable attempt to discover if the report was timely mailed,  
194 inform the appropriate election officials who:

195 (i) shall, if practicable, remove the name of the candidate by blacking out the  
196 candidate's name before the ballots are delivered to voters; or

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

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

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

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

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

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

208 (c) A report is considered filed if:

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

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

213 (iii) the candidate has proof that the report was mailed, with appropriate postage and

214 addressing, three days before the report was due.

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

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

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

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

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

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

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

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

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

233 **20A-11-101. Definitions.**

234 As used in this chapter:

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

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

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

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

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



- 245 (4) "Chief election officer" means:
- 246 (a) the lieutenant governor for state office candidates, legislative office candidates,  
247 officeholders, political parties, political action committees, corporations, political issues  
248 committees, and state school board candidates; and
- 249 (b) the county clerk for local school board candidates.
- 250 (5) "Continuing political party" means an organization of voters that participated in the  
251 last regular general election and polled a total vote equal to 2% or more of the total votes cast  
252 for all candidates for the United States House of Representatives.
- 253 (6) (a) "Contribution" means any of the following when done for political purposes:
- 254 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
255 value given to the filing entity;
- 256 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
257 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
258 anything of value to the filing entity;
- 259 (iii) any transfer of funds from another reporting entity or a corporation to the filing  
260 entity;
- 261 (iv) compensation paid by any person or reporting entity other than the filing entity for  
262 personal services provided without charge to the filing entity;
- 263 (v) remuneration from any organization or its directly affiliated organization that has a  
264 registered lobbyist to compensate a legislator for a loss of salary or income while the  
265 Legislature is in session;
- 266 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of  
267 the state, including school districts, for the period the Legislature is in session; and
- 268 (vii) goods or services provided to or for the benefit of the filing entity at less than fair  
269 market value.
- 270 (b) "Contribution" does not include:
- 271 (i) services provided without compensation by individuals volunteering a portion or all  
272 of their time on behalf of the filing entity; or
- 273 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
274 business.
- 275 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

276 organization that is registered as a corporation or is authorized to do business in a state and  
277 makes any expenditure from corporate funds for:

278 (i) political purposes; or

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

280 (b) "Corporation" does not mean:

281 (i) a business organization's political action committee or political issues committee; or

282 (ii) a business entity organized as a partnership or a sole proprietorship.

283 (8) "Detailed listing" means:

284 (a) for each contribution or public service assistance:

285 (i) the name and address of the individual or source making the contribution or public  
286 service assistance;

287 (ii) the amount or value of the contribution or public service assistance; and

288 (iii) the date the contribution or public service assistance was made; and

289 (b) for each expenditure:

290 (i) the amount of the expenditure;

291 (ii) the person or entity to whom it was disbursed;

292 (iii) the specific purpose, item, or service acquired by the expenditure; and

293 (iv) the date the expenditure was made.

294 (9) "Election" means each:

295 (a) regular general election;

296 (b) regular primary election; and

297 (c) special election at which candidates are eliminated and selected.

298 (10) (a) "Expenditure" means:

299 (i) any disbursement from contributions, receipts, or from the separate bank account  
300 required by this chapter;

301 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
302 or anything of value made for political purposes;

303 (iii) an express, legally enforceable contract, promise, or agreement to make any  
304 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
305 value for political purposes;

306 (iv) compensation paid by a corporation or filing entity for personal services rendered

307 by a person without charge to a reporting entity;

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

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

312 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

355 (26) (a) "Political action committee" means an entity, or any group of individuals or  
356 entities within or outside this state, that solicits or receives contributions from any other person,  
357 group, or entity or makes expenditures for political purposes. A group or entity may not divide  
358 or separate into units, sections, or smaller groups for the purpose of avoiding the financial  
359 reporting requirements of this chapter, and substance shall prevail over form in determining the  
360 scope or size of a political action committee.

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

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

365 (i) a party committee;

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

368 (iii) an individual;

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

371 (v) a corporation; or

372 (vi) a personal campaign committee.

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

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

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

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

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

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

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

388 (iii) an individual;

389 (iv) individuals who are related and who make contributions from a joint checking  
390 account; or

391 (v) a corporation, except a corporation whose apparent purpose is to act as a political  
392 issues committee.

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

394 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
395 anything of value given to a political issues committee;

396 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
397 issues donation to influence the approval or defeat of any ballot proposition;

398 (iii) any transfer of funds received by a political issues committee from a reporting  
399 entity;

400 (iv) compensation paid by another reporting entity for personal services rendered  
401 without charge to a political issues committee; and

402 (v) goods or services provided to or for the benefit of a political issues committee at  
403 less than fair market value.

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

405 (i) services provided without compensation by individuals volunteering a portion or all  
406 of their time on behalf of a political issues committee; or

407 (ii) money lent to a political issues committee by a financial institution in the ordinary  
408 course of business.

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

410 (i) any payment from political issues contributions made for the purpose of influencing  
411 the approval or the defeat of:

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

413 (B) an incorporation petition or incorporation election;

414 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
415 the purpose of influencing the approval or the defeat of:

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

417 (B) an incorporation petition or incorporation election;

418 (iii) an express, legally enforceable contract, promise, or agreement to make any  
419 political issues expenditure;

420 (iv) compensation paid by a reporting entity for personal services rendered by a person  
421 without charge to a political issues committee; or

422 (v) goods or services provided to or for the benefit of another reporting entity at less  
423 than fair market value.

424 (b) "Political issues expenditure" does not include:

425 (i) services provided without compensation by individuals volunteering a portion or all  
426 of their time on behalf of a political issues committee; or

427 (ii) money lent to a political issues committee by a financial institution in the ordinary  
428 course of business.

429 (31) "Political purposes" means an act done with the intent or in a way to influence or  
430 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or

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

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

434 (33) "Public office" means the office of governor, lieutenant governor, state auditor,  
435 state treasurer, attorney general, state or local school board member, state senator, state  
436 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
437 whip, and assistant whip of any party caucus in either house of the Legislature.

438 (34) (a) "Public service assistance" means the following when given or provided to an  
439 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
440 communicate with the officeholder's constituents:

441 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
442 money or anything of value to an officeholder; or

443 (ii) goods or services provided at less than fair market value to or for the benefit of the  
444 officeholder.

445 (b) "Public service assistance" does not include:

446 (i) anything provided by the state;

447 (ii) services provided without compensation by individuals volunteering a portion or all  
448 of their time on behalf of an officeholder;

449 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
450 business;

451 (iv) news coverage or any publication by the news media; or

452 (v) any article, story, or other coverage as part of any regular publication of any  
453 organization unless substantially all the publication is devoted to information about the  
454 officeholder.

455 (35) "Publicly identified class of individuals" means a group of 50 or more individuals  
456 sharing a common occupation, interest, or association that contribute to a political action  
457 committee or political issues committee and whose names can be obtained by contacting the  
458 political action committee or political issues committee upon whose financial report they are  
459 listed.

460 (36) "Receipts" means contributions and public service assistance.

461 (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,

462 Lobbyist Disclosure and Regulation Act.

463 (38) "Registered political action committee" means any political action committee that  
464 is required by this chapter to file a statement of organization with the lieutenant governor's  
465 office.

466 (39) "Registered political issues committee" means any political issues committee that  
467 is required by this chapter to file a statement of organization with the lieutenant governor's  
468 office.

469 (40) "Registered political party" means an organization of voters that:

470 (a) participated in the last regular general election and polled a total vote equal to 2%  
471 or more of the total votes cast for all candidates for the United States House of Representatives  
472 for any of its candidates for any office; or

473 (b) has complied with the petition and organizing procedures of this chapter.

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

475 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
476 an officeholder, and a party committee, a political action committee, and a political issues  
477 committee.

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

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

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

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

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

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

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

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



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

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

496 **20A-11-103. Reports -- Form of submission -- Public availability -- Notice of**  
497 **local filings.**

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

503 (A) that the report is due; and

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

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

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

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

520 (i) that the report is due;

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

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

524 the candidate will not be counted.

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

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

527 (b) on a computer disk according to specifications established by the chief election

528 officer that protect against fraudulent filings and secure the accuracy of the information

529 contained on the computer disk;

530 (c) via fax; or

531 (d) via electronic mail according to specifications established by the chief election

532 officer.

533 (3) A report is considered filed if:

534 (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date  
535 that it is due;

536 (b) it is received in the chief election officer's office with a postmark three days or  
537 more before the date that the report was due; or

538 (c) the candidate, judge, or entity has proof that the report was mailed, with appropriate  
539 postage and addressing, three days before the report was due.

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

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

544 (b) post an electronic copy or the contents of each campaign finance statement on a  
545 website established by the lieutenant governor:

546 (i) for campaign finance statements submitted to the lieutenant governor under the  
547 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after  
548 the date of receipt of the campaign finance statement; or

549 (ii) for a campaign finance statement filed under the requirements of this chapter, no  
550 later than seven business days after the date the statement is due.

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

555 Section 5. Section **20A-11-802** is amended to read:

556 **20A-11-802. Political issues committees -- Financial reporting.**

557 (1) (a) Each registered political issues committee that has received political issues  
558 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
559 \$50 during a calendar year [~~on current or proposed statewide ballot propositions, to influence~~  
560 ~~an incorporation petition or an incorporation election, or on initiative petitions to be submitted~~  
561 ~~to the Legislature~~], shall file a verified financial statement with the lieutenant governor's office:

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

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

566 (iii) March 1;

567 (iv) June 1;

568 (v) at least three days before the first public hearing held as required by Section  
569 20A-7-204.1;

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

572 (vii) on September 15; and

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

574 (b) The political issues committee shall report:

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

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

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

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

583 (i) the name, address, and occupation of any individual that makes a political issues  
584 contribution to the reporting political issues committee, and the amount of the political issues  
585 contribution;

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

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

592 (iv) the name and address of each reporting entity that makes a political issues  
593 contribution to the reporting political issues committee, and the amount of the political issues  
594 contribution;

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

596 (vi) except as provided in Subsection (2)(c), the name and address of each individual,  
597 entity, or group of individuals or entities that received a political issues expenditure of more  
598 than \$50 from the reporting political issues committee, and the amount of each political issues  
599 expenditure;

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

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

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

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

607 (A) beginning balance;

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

609 (C) total contributions to date;

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

611 (E) total expenditures to date.

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

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

617 separately.

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

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

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

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**Legislative Review Note**  
as of 10-22-07 10:35 AM

**Office of Legislative Research and General Counsel**

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**H.B. 29 - Election Law - Financial Reporting**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Passage of this bill would require a General Fund appropriation of \$3,000 to the Lieutenant Governor to create an application to manage the electronic reports established in the bill. There is also an ongoing component of \$12,000 for one quarter FTE to manage the reports and to account for annual information technology costs.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$12,000	\$12,000	\$0	\$0	\$0
General Fund, One-Time	\$0	\$3,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$15,000</b>	<b>\$12,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.