

Senator Peter C. Knudson proposes the following substitute bill:

CAMPAIGN REPORT AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies provisions of the Campaign and Financial Reporting Requirements chapter of the Election Code.

Highlighted Provisions:

This bill:

- ▶ consolidates definitions for clarity and consistency;
- ▶ clarifies the election officer's obligations to provide notice that certain campaign financial statements are due;
- ▶ specifies what information the notices sent by the election officer must contain;
- ▶ requires the election officer to assess an administrative fee for each campaign financial statement that is filed late by a state office candidate, a legislative candidate, a state office or legislative officeholder, a political party, a political action committee, a political issues committee, a state or local school board office candidate, or a judicial retention candidate;
- ▶ clarifies that financial statements may be submitted via the Internet;
- ▶ provides procedures for filing amended campaign financial statements;
- ▶ requires the election officer to assess an administrative fee for all amended campaign financial statements and provides a formula for calculation of the



26 administrative fee;

27 ▶ provides for the deposit of administrative fees and penalties assessed under the
28 Campaign and Financial Reporting Requirements chapter;

29 ▶ provides a process for appealing administrative fees assessed by the election officer;
30 and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill coordinates with S.B. 21, Campaign Finance Disclosure Revisions, by
36 providing superseding amendments.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **20A-11-101**, as last amended by Laws of Utah 2004, Chapter 90

40 **20A-11-103**, as last amended by Laws of Utah 2001, Chapter 166

41 **20A-11-206**, as last amended by Laws of Utah 1999, Chapter 93

42 **20A-11-305**, as last amended by Laws of Utah 1999, Chapter 93

43 **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355

44 **20A-11-508**, as last amended by Laws of Utah 2006, Chapter 16

45 **20A-11-603**, as enacted by Laws of Utah 1997, Chapter 355

46 **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355

47 **20A-11-803**, as enacted by Laws of Utah 1997, Chapter 355

48 **20A-11-1305**, as last amended by Laws of Utah 2003, Chapter 215

49 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

50 ENACTS:

51 **20A-11-104**, Utah Code Annotated 1953

52 **20A-11-105**, Utah Code Annotated 1953

53 **20A-11-106**, Utah Code Annotated 1953



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

56 Section 1. Section **20A-11-101** is amended to read:

57 **20A-11-101. Definitions.**

58 As used in this chapter:

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

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

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

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

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

69 (4) "Chief election officer" means:

70 (a) the lieutenant governor for state office candidates, legislative office candidates,
71 officeholders, political parties, political action committees, corporations, political issues
72 committees, and state school board candidates; and

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

74 (5) "Continuing political party" means an organization of voters that participated in the
75 last regular general election and polled a total vote equal to 2% or more of the total votes cast
76 for all candidates for the United States House of Representatives.

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

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

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

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

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

87 (v) remuneration from any organization or its directly affiliated organization that has a

88 registered lobbyist to compensate a legislator for a loss of salary or income while the
89 Legislature is in session;

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

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

94 (b) "Contribution" does not include:

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

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

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

102 (i) political purposes; or

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

104 (b) "Corporation" does not mean:

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

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

107 (8) "Detailed listing" means:

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

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

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

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

113 (b) for each expenditure:

114 (i) the amount of the expenditure;

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

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

117 (iv) the date the expenditure was made.

118 (9) "Election" means each:

- 119 (a) regular general election;
- 120 (b) regular primary election; and
- 121 (c) special election at which candidates are eliminated and selected.
- 122 (10) (a) "Expenditure" means:
- 123 (i) any disbursement from contributions, receipts, or from the separate bank account
- 124 required by this chapter;
- 125 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 126 or anything of value made for political purposes;
- 127 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 128 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 129 value for political purposes;
- 130 (iv) compensation paid by a corporation or filing entity for personal services rendered
- 131 by a person without charge to a reporting entity;
- 132 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 133 committee; or
- 134 (vi) goods or services provided by the filing entity to or for the benefit of another
- 135 reporting entity for political purposes at less than fair market value.
- 136 (b) "Expenditure" does not include:
- 137 (i) services provided without compensation by individuals volunteering a portion or all
- 138 of their time on behalf of a reporting entity;
- 139 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 140 business; or
- 141 (iii) anything listed in Subsection (10)(a) that is given by a corporation or reporting
- 142 entity to candidates for office or officeholders in states other than Utah.
- 143 (11) "Filing entity" means the reporting entity that is filing a ~~report~~ financial
- 144 statement required by this chapter.
- 145 (12) "Financial statement" includes any summary report, interim report, verified
- 146 financial statement, or other statement disclosing contributions, expenditures, receipts,
- 147 donations, or disbursements that is required by this chapter.
- 148 (13) "Governing board" means the individual or group of individuals that determine the
- 149 candidates and committees that will receive expenditures from a political action committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

179 (26) (a) "Political action committee" means an entity, or any group of individuals or
180 entities within or outside this state, that solicits or receives contributions from any other person,

181 group, or entity or makes expenditures for political purposes. A group or entity may not divide
182 or separate into units, sections, or smaller groups for the purpose of avoiding the financial
183 reporting requirements of this chapter, and substance shall prevail over form in determining the
184 scope or size of a political action committee.

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

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

189 (i) a party committee;

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

192 (iii) an individual;

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

195 (v) a corporation; or

196 (vi) a personal campaign committee.

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

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

203 (i) assist in placing a statewide ballot proposition on the ballot, assist in keeping a
204 statewide ballot proposition off the ballot, or refrain from voting or vote for or vote against any
205 statewide ballot proposition; or

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

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

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

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

- 212 (iii) an individual;
- 213 (iv) individuals who are related and who make contributions from a joint checking
- 214 account; or
- 215 (v) a corporation, except a corporation whose apparent purpose is to act as a political
- 216 issues committee.
- 217 (29) (a) "Political issues contribution" means any of the following:
- 218 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
- 219 anything of value given to a political issues committee;
- 220 (ii) an express, legally enforceable contract, promise, or agreement to make a political
- 221 issues donation to influence the approval or defeat of any ballot proposition;
- 222 (iii) any transfer of funds received by a political issues committee from a reporting
- 223 entity;
- 224 (iv) compensation paid by another reporting entity for personal services rendered
- 225 without charge to a political issues committee; and
- 226 (v) goods or services provided to or for the benefit of a political issues committee at
- 227 less than fair market value.
- 228 (b) "Political issues contribution" does not include:
- 229 (i) services provided without compensation by individuals volunteering a portion or all
- 230 of their time on behalf of a political issues committee; or
- 231 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 232 course of business.
- 233 (30) (a) "Political issues expenditure" means any of the following:
- 234 (i) any payment from political issues contributions made for the purpose of influencing
- 235 the approval or the defeat of a statewide ballot proposition;
- 236 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
- 237 the purpose of influencing the approval or the defeat of a statewide ballot proposition;
- 238 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 239 political issues expenditure;
- 240 (iv) compensation paid by a reporting entity for personal services rendered by a person
- 241 without charge to a political issues committee; or
- 242 (v) goods or services provided to or for the benefit of another reporting entity at less

243 than fair market value.

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

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

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

249 (31) "Political purposes" means an act done with the intent or in a way to influence or
250 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
251 against any candidate for public office at any caucus, political convention, primary, or election.

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

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

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

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

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

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

266 (i) anything provided by the state;

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

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

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

272 (v) any article, story, or other coverage as part of any regular publication of any
273 organization unless substantially all the publication is devoted to information about the

274 officeholder.

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

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

281 (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
282 Lobbyist Disclosure and Regulation Act.

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

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

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

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

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

294 [~~(41)~~ "Report" means a verified financial statement.]

295 [~~(42)~~ (41) "Reporting entity" means a candidate, a candidate's personal campaign
296 committee, an officeholder, [~~and~~] a party committee, a political action committee, and a
297 political issues committee.

298 [~~(43)~~ (42) "School board office" means the office of state school board or local school
299 board.

300 [~~(44)~~ (43) (a) "Source" means the person or entity that is the legal owner of the
301 tangible or intangible asset that comprises the contribution.

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

305 ~~[(45)]~~ (44) "State office" means the offices of governor, lieutenant governor, attorney
306 general, state auditor, and state treasurer.

307 ~~[(46)]~~ (45) "State office candidate" means a person who:

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

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

312 (46) "Substantive change" means a name change in a financial report that would cause
313 a reasonable person to believe that the individual, source, person, or entity named in the
314 amended report is a different individual, source, person, or entity than the one named in the
315 previous report.

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

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

320 Section 2. Section **20A-11-103** is amended to read:

321 **20A-11-103. Notice of pending interim and summary reports -- Form of**
322 **submission.**

323 (1) (a) ~~[(†)]~~ Ten days before a ~~[report]~~ financial statement from a state office candidate,
324 legislative office candidate, officeholder, state school board candidate, political party, political
325 action committee, political issues committee, or judge is due under this chapter, the lieutenant
326 governor shall inform those candidates, officeholders, parties, committees, and judges ~~[-and~~
327 ~~entities]~~ by postal mail or, if requested by the candidate, ~~[judge,]~~ officeholder, party, ~~[or]~~
328 committee, or judge, by electronic mail:

329 ~~[(A)]~~ (i) that the ~~[report]~~ financial statement is due; ~~[and]~~

330 ~~[(B)]~~ (ii) the date that the ~~[report]~~ financial statement is due~~[-]~~;

331 (iii) that administrative fees will be assessed if the financial statement is not timely
332 received;

333 ~~[(ii)]~~ (iv) ~~[In addition to the information required by Subsection (1)(a)(i) and in the~~
334 ~~same mailing, ten days before the interim reports for candidates or judges are due, the~~
335 ~~lieutenant governor shall inform the candidate or judge]~~ if the notification is sent to a judge in

336 reference to the interim report due before the regular general election, that voters will be
337 informed that the judge has been disqualified and any votes cast for the judge will not be
338 counted if the report is not timely filed;

339 (v) if the notification is sent to a candidate in reference to an interim report due before
340 the regular primary election, on September 15, or before the regular general election, that [if
341 the report is not received in the lieutenant governor's office by 5 p.m. on the date that it is due,]
342 voters will be informed that the candidate [or judge] has been disqualified and any votes cast
343 for the candidate [or judge] will not be counted[.] if the report is not timely filed;

344 ~~[(iii)] (vi) [In addition to the information required by Subsection (1)(a)(i) and in the~~
345 ~~same mailing, ten days before the interim reports or verified financial statements for entities~~
346 ~~that are due September 15 and before the regular general election are due, and ten days before~~
347 ~~summary reports or January 5 financial statements are due, the lieutenant governor shall inform~~
348 ~~the entity, candidate, judge, or officeholder that if the report is not received in the lieutenant~~
349 ~~governor's office by the date that it is due, the entity, candidate, judge, or officeholder] if the~~
350 notification is sent to a political party, political action committee, or political issues committee
351 in reference to an interim report or a verified financial statement, that the entity may be guilty
352 of a class B misdemeanor for failing to file the report or statement[.]; and

353 (vii) if the notification is in reference to a summary report, that the candidate,
354 officeholder, party, committee, or judge may be guilty of a class B misdemeanor for failing to
355 file the report.

356 (b) Ten days before [a] an interim or summary report from a local school board
357 candidate is due under this chapter, the county clerk shall inform the candidate by postal mail
358 or, if requested, by electronic mail:

359 (i) that the report is due;

360 (ii) the date that the report is due; [and]

361 (iii) that the candidate will be assessed administrative fees if the report is not timely
362 received;

363 ~~[(iii)] (iv) if the notification is in reference to an interim report due before the regular~~
364 primary election, on September 15, or before the regular general election, that, if the report is
365 not [received in the county clerk's office by 5 p.m. on the date that it is due] timely filed, voters
366 will be informed that the candidate has been disqualified and any votes cast for the candidate

367 will not be counted[-]; and

368 (v) if the notification is in reference to a summary report, that the candidate may be
369 guilty of a class B misdemeanor for failing to file the report.

370 (2) Persons or entities submitting [~~reports~~] financial statements required by this chapter
371 may submit them:

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

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

376 (c) via fax; or

377 (d) via electronic mail or the Internet, according to specifications established by the
378 chief election officer.

379 (3) A [~~report~~] financial statement is considered timely filed if:

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

382 (b) it is received in the chief election officer's office with a postmark three days or
383 more before the date that the [~~report~~] financial statement was due; or

384 (c) the candidate, judge, or entity has proof that the [~~report~~] financial statement was
385 mailed, with appropriate postage and addressing, three days before the [~~report~~] financial
386 statement was due.

387 Section 3. Section **20A-11-104** is enacted to read:

388 **20A-11-104. Late financial statements -- Fees.**

389 (1) The election officer shall assess the following administrative fees against any
390 person who fails to timely file a financial statement required by this chapter:

391 (a) an administrative fee of \$100 for each late financial statement; and

392 (b) for each late financial statement, an additional, daily administrative fee of \$20,
393 which shall be assessed for each calendar day that falls between the date the statement was due
394 and the date that the late statement is filed.

395 (2) A person may appeal an administrative fee assessed under this section to the district
396 court having personal jurisdiction over the person by filing a complaint contesting the fee
397 within 30 days of the date the penalty was assessed.

398 (3) When determining if a financial statement is timely filed, the provisions of
399 Subsection 20A-11-103(3) shall govern.

400 (4) If a person is removed from the ballot due to the person's failure to timely file the
401 financial statement, the election officer shall not assess a fee for the late financial statement
402 under this section.

403 Section 4. Section **20A-11-105** is enacted to read:

404 **20A-11-105. Amending financial statements -- Fees.**

405 (1) For the purposes of this section, "fee calculation cycle" means the period that
406 commences on March 1 of each year and ends on the last day of February of the following year.

407 (2) A person may file an amended financial statement to correct any financial statement
408 filed under the requirements of this chapter, using the form required by the election officer,
409 either:

410 (a) voluntarily; or

411 (b) at the direction of the election officer, as provided for in this chapter.

412 (3) (a) Subject to the requirements of Subsection (3)(b) and (c), the election officer
413 shall assess an administrative fee for each amended financial statement filed, which fee shall
414 equal the total of the following assessments, which shall be assessed for each change made in
415 the amended financial statement:

416 (i) for a substantive change of the name of an individual or source making a
417 contribution or public service assistance, 5% of the contribution or public service assistance;

418 (ii) for a substantive change of the name of a person or entity receiving disbursement of
419 an expenditure, 5% of the amount of the expenditure;

420 (iii) for a change that results in an increase in the reported amount of a contribution or
421 public service assistance, 5% of the difference between the amended financial statement and
422 the previously filed financial statement;

423 (iv) for a change that results in an increase in the reported amount of an expenditure,
424 5% of the difference between the amended financial statement and the previously filed
425 financial statement; or

426 (v) for a newly reported contribution, public service assistance, or expenditure, or a
427 substantive change in the name and a change in the amount associated with a contribution,
428 public service assistance, or expenditure, 5% of the contribution, public service assistance, or

429 expenditure.

430 (b) The election officer may not assess an administrative fee under this section for an
431 error in a calculation of the total amount of contributions or expenditures.

432 (c) The election officer shall waive the first \$50 of fees that are assessable to a person
433 under Subsection (3)(a) during each fee calculation cycle, and the election officer shall not
434 assess a fee against a person until the fees that are assessable during the fee calculation cycle
435 total at least \$25.

436 (4) A person may appeal an administrative fee assessed under this section to the district
437 court having personal jurisdiction over the person by filing a complaint contesting the fee
438 within 30 days of the date the fee was assessed.

439 Section 5. Section **20A-11-106** is enacted to read:

440 **20A-11-106. Revenue from fees and penalties.**

441 (1) Revenue generated by administrative fees and penalties assessed by the lieutenant
442 governor under this chapter shall be deposited in the General Fund.

443 (2) Revenue generated by administrative fees and penalties assessed by a county clerk
444 under this chapter shall be deposited as directed by the county legislative body.

445 Section 6. Section **20A-11-206** is amended to read:

446 **20A-11-206. State office candidate -- Late statements -- Failure to file statements**
447 **-- Penalties.**

448 (1) A state office candidate that fails to file a financial statement on or before the
449 statement's due date is subject to the penalties provided in Section 20A-11-104.

450 ~~(1)~~ (2) (a) If a state office candidate fails to file an interim report due before the
451 regular primary election, September 15, or before the regular general election, the lieutenant
452 governor shall, after making a reasonable attempt to discover if the report was timely mailed,
453 inform the county clerk and other appropriate election officials who:

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

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

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

460 (b) Any state office candidate who fails to [~~file~~] timely file a financial statement
461 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
462 Section 20A-1-501.

463 (c) Notwithstanding Subsections [~~(1)~~] (2)(a) and [~~(1)~~] (2)(b), a state office candidate is
464 not disqualified if:

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

466 (ii) those reports are completed, detailing accurately and completely the information
467 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
468 and

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

471 [~~(2)~~] (3) (a) Within 30 days after a deadline for the filing of a summary report, the
472 lieutenant governor shall review each filed summary report to ensure that:

473 (i) each state office candidate that is required to file a summary report has filed one;
474 and

475 (ii) each summary report contains the information required by this part.

476 (b) If it appears that any state office candidate has failed to file the summary report
477 required by law, if it appears that a filed summary report does not conform to the law, or if the
478 lieutenant governor has received a written complaint alleging a violation of the law or the
479 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
480 violation or receipt of a written complaint, notify the state office candidate of the violation or
481 written complaint and direct the state office candidate to file a summary report correcting the
482 problem.

483 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
484 report within 14 days after receiving notice from the lieutenant governor under this section.

485 (ii) Each state office candidate who violates Subsection [~~(2)~~] (3)(c)(i) is guilty of a
486 class B misdemeanor.

487 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (3)(c)(i) to
488 the attorney general.

489 Section 7. Section **20A-11-305** is amended to read:

490 **20A-11-305. Legislative office candidate -- Late statements -- Failure to file**

491 **statements -- Penalties -- Name not printed on ballot -- Filling vacancy.**

492 (1) A legislative office candidate that fails to file a financial statement on or before the
493 statement's due date is subject to the penalties provided in Section 20A-11-104.

494 ~~(1)~~ (2) (a) If a legislative office candidate fails to file an interim report due before the
495 regular primary election, September 15, or before the regular general election, the lieutenant
496 governor shall, after making a reasonable attempt to discover if the report was timely mailed,
497 inform the county clerk and other appropriate election officials who:

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

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

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

504 (b) Any legislative office candidate who fails to ~~file~~ timely file a financial statement
505 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
506 Section 20A-1-501.

507 (c) Notwithstanding Subsections ~~(1)~~ (2)(a) and ~~(1)~~ (2)(b), a legislative office
508 candidate is not disqualified if:

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

510 (ii) those reports are completed, detailing accurately and completely the information
511 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
512 and

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

515 ~~(2)~~ (3) (a) Within 30 days after a deadline for the filing of a summary report, the
516 lieutenant governor shall review each filed summary report to ensure that:

517 (i) each legislative office candidate that is required to file a summary report has filed
518 one; and

519 (ii) each summary report contains the information required by this part.

520 (b) If it appears that any legislative office candidate has failed to file the summary
521 report required by law, if it appears that a filed summary report does not conform to the law, or

522 if the lieutenant governor has received a written complaint alleging a violation of the law or the
523 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
524 violation or receipt of a written complaint, notify the legislative office candidate of the
525 violation or written complaint and direct the legislative office candidate to file a summary
526 report correcting the problem.

527 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
528 summary report within 14 days after receiving notice from the lieutenant governor under this
529 section.

530 (ii) Each legislative office candidate who violates Subsection [~~(2)~~] (3)(c)(i) is guilty of
531 a class B misdemeanor.

532 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (3)(c)(i) to
533 the attorney general.

534 Section 8. Section **20A-11-403** is amended to read:

535 **20A-11-403. Late statements -- Failure to file -- Penalties.**

536 (1) An officeholder that fails to file a financial statement on or before the statement's
537 due date is subject to the penalties provided in Section 20A-11-104.

538 [~~(1)~~] (2) Within 30 days after a deadline for the filing of a summary report, the
539 lieutenant governor shall review each filed summary report to ensure that:

540 (a) each officeholder that is required to file a summary report has filed one; and

541 (b) each summary report contains the information required by this part.

542 [~~(2)~~] (3) If it appears that any officeholder has failed to file the summary report
543 required by law, if it appears that a filed summary report does not conform to the law, or if the
544 lieutenant governor has received a written complaint alleging a violation of the law or the
545 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
546 violation or receipt of a written complaint, notify the officeholder of the violation or written
547 complaint and direct the officeholder to file a summary report correcting the problem.

548 [~~(3)~~] (4) (a) It is unlawful for any officeholder to fail to file or amend a summary report
549 within 14 days after receiving notice from the lieutenant governor under this section.

550 (b) Each officeholder who violates Subsection [~~(3)~~] (4)(a) is guilty of a class B
551 misdemeanor.

552 (c) The lieutenant governor shall report all violations of Subsection [~~(3)~~] (4)(a) to the

553 attorney general.

554 Section 9. Section **20A-11-508** is amended to read:

555 **20A-11-508. Political party reporting requirements -- Late statements -- Failure**
556 **to file -- Penalties.**

557 (1) A registered political party that fails to file a financial statement on or before the
558 statement's due date is subject to the penalties provided in Section 20A-11-104.

559 ~~(1)~~ (2) (a) Each registered political party that fails to file the interim reports due
560 September 15 or before the regular general election is guilty of a class B misdemeanor.

561 (b) The lieutenant governor shall report all violations of Subsection ~~(1)~~ (2)(a) to the
562 attorney general.

563 ~~(2)~~ (3) Within 30 days after a deadline for the filing of a summary report required by
564 this part, the lieutenant governor shall review each filed report to ensure that:

565 (a) each political party that is required to file a report has filed one; and

566 (b) each report contains the information required by this part.

567 ~~(3)~~ (4) If it appears that any political party has failed to file a report required by law,
568 if it appears that a filed report does not conform to the law, or if the lieutenant governor has
569 received a written complaint alleging a violation of the law or the falsity of any report, the
570 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
571 complaint, notify the political party of the violation or written complaint and direct the political
572 party to file a summary report correcting the problem.

573 ~~(4)~~ (5) (a) It is unlawful for any political party to fail to file or amend a summary
574 report within 14 days after receiving notice from the lieutenant governor under this section.

575 (b) Each political party who violates Subsection ~~(4)~~ (5)(a) is guilty of a class B
576 misdemeanor.

577 (c) The lieutenant governor shall report all violations of Subsection ~~(4)~~ (5)(a) to the
578 attorney general.

579 Section 10. Section **20A-11-603** is amended to read:

580 **20A-11-603. Late statements -- Failure to file -- Penalties.**

581 (1) A political action committee that fails to file a financial statement on or before the
582 statement's due date is subject to the penalties provided in Section 20A-11-104.

583 ~~(1)~~ (2) (a) Each political action committee that fails to file the statement due

584 September 15 or before the regular general session is guilty of a class B misdemeanor.

585 (b) The lieutenant governor shall report all violations of Subsection [~~(1)~~] (2)(a) to the
586 attorney general.

587 [~~(2)~~] (3) Within 30 days after a deadline for the filing of the January 5 statement
588 required by this part, the lieutenant governor shall review each filed statement to ensure that:

589 (a) each political action committee that is required to file a statement has filed one; and

590 (b) each statement contains the information required by this part.

591 [~~(3)~~] (4) If it appears that any political action committee has failed to file the January 5
592 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
593 governor has received a written complaint alleging a violation of the law or the falsity of any
594 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
595 of a written complaint, notify the political action committee of the violation or written
596 complaint and direct the political action committee to file a statement correcting the problem.

597 [~~(4)~~] (5) (a) It is unlawful for any political action committee to fail to file or amend a
598 statement within 14 days after receiving notice from the lieutenant governor under this section.

599 (b) Each political action committee who violates Subsection [~~(4)~~] (5)(a) is guilty of a
600 class B misdemeanor.

601 (c) The lieutenant governor shall report all violations of Subsection [~~(4)~~] (5)(a) to the
602 attorney general.

603 Section 11. Section **20A-11-703** is amended to read:

604 **20A-11-703. Due dates -- Exemptions -- Failure to file -- Penalties.**

605 (1) (a) Each corporation that is required to file a financial statement shall timely file the
606 statement.

607 (b) A corporation is not subject to an administrative penalty under Section
608 20A-11-104.

609 [~~(1)~~] (2) Within 30 days after a deadline for the filing of any statement required by this
610 part, the lieutenant governor shall review each filed statement to ensure that:

611 (a) each corporation that is required to file a statement has filed one; and

612 (b) each statement contains the information required by this part.

613 [~~(2)~~] (3) If it appears that any corporation has failed to file any statement, if it appears
614 that a filed statement does not conform to the law, or if the lieutenant governor has received a

615 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant
616 governor shall, within five days of discovery of a violation or receipt of a written complaint,
617 notify the corporation of the violation or written complaint and direct the corporation to file a
618 statement correcting the problem.

619 ~~[(3)]~~ (4) (a) It is unlawful for any corporation to fail to file or amend a statement within
620 14 days after receiving notice from the lieutenant governor under this section.

621 (b) Each corporation who violates Subsection ~~[(3)]~~ (4)(a) is guilty of a class B
622 misdemeanor.

623 (c) The lieutenant governor shall report all violations of ~~[this]~~ Subsection ~~[(3)]~~ (4)(a) to
624 the attorney general.

625 Section 12. Section **20A-11-803** is amended to read:

626 **20A-11-803. Late statements -- Failure to file -- Penalties.**

627 (1) A political issues committee that fails to file a financial statement on or before the
628 statement's due date is subject to the penalties provided in Section 20A-11-104.

629 ~~[(+)]~~ (2) (a) Each political issues committee that fails to file the statement due
630 September 15 or before the regular general session is guilty of a class B misdemeanor.

631 (b) The lieutenant governor shall report all violations of Subsection (1) to the attorney
632 general.

633 ~~[(2)]~~ (3) Within 30 days after a deadline for the filing of the January 5 statement, the
634 lieutenant governor shall review each filed statement to ensure that:

635 (a) each political issues committee that is required to file a statement has filed one; and

636 (b) each statement contains the information required by this part.

637 ~~[(3)]~~ (4) If it appears that any political issues committee has failed to file the January 5
638 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
639 governor has received a written complaint alleging a violation of the law or the falsity of any
640 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
641 of a written complaint, notify the political issues committee of the violation or written
642 complaint and direct the political issues committee to file a statement correcting the problem.

643 ~~[(4)]~~ (5) (a) It is unlawful for any political issues committee to fail to file or amend a
644 statement within 14 days after receiving notice from the lieutenant governor under this section.

645 (b) Each political issues committee who violates Subsection ~~[(4)]~~ (5)(a) is guilty of a

646 class B misdemeanor.

647 (c) The lieutenant governor shall report all violations of Subsection [~~(4)~~] (5)(a) to the
648 attorney general.

649 Section 13. Section **20A-11-1305** is amended to read:

650 **20A-11-1305. School board office candidate -- Late statements -- Failure to file --**
651 **Penalties -- Name not printed on ballot -- Filling vacancy.**

652 (1) A school board office candidate that fails to file a financial statement on or before
653 the statement's due date is subject to the penalties provided in Section 20A-11-104.

654 [~~(1)~~] (2) (a) If a school board office candidate fails to file an interim report due before
655 the regular primary election, September 15, and before the regular general election, the chief
656 election officer shall, after making a reasonable attempt to discover if the report was timely
657 mailed, inform the county clerk and other appropriate election officials who:

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

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

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

664 (b) Any school board office candidate who fails to [~~file~~] timely file a financial
665 statement required by this part is disqualified and the vacancy on the ballot may be filled as
666 provided in Section 20A-1-501.

667 (c) Notwithstanding Subsection [~~(1)~~] (2)(a) and [~~(1)~~] (2)(b), a school board office
668 candidate is not disqualified if:

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

670 (ii) those reports are completed, detailing accurately and completely the information
671 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
672 and

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

675 [~~(2)~~] (3) (a) Within 30 days after a deadline for the filing of a summary report by a
676 candidate for state school board, the lieutenant governor shall review each filed summary

677 report to ensure that:

678 (i) each state school board candidate that is required to file a summary report has filed
679 one; and

680 (ii) each summary report contains the information required by this part.

681 (b) If it appears that any state school board candidate has failed to file the summary
682 report required by law, if it appears that a filed summary report does not conform to the law, or
683 if the lieutenant governor has received a written complaint alleging a violation of the law or the
684 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
685 violation or receipt of a written complaint, notify the state school board candidate of the
686 violation or written complaint and direct the state school board candidate to file a summary
687 report correcting the problem.

688 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
689 summary report within 14 days after receiving notice from the lieutenant governor under this
690 section.

691 (ii) Each state school board candidate who violates Subsection [~~(2)~~] (3)(c)(i) is guilty
692 of a class B misdemeanor.

693 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (3)(c)(i) to
694 the attorney general.

695 [~~(3)~~] (4) (a) Within 30 days after a deadline for the filing of a summary report, the
696 county clerk shall review each filed summary report to ensure that:

697 (i) each local school board candidate that is required to file a summary report has filed
698 one; and

699 (ii) each summary report contains the information required by this part.

700 (b) If it appears that any local school board candidate has failed to file the summary
701 report required by law, if it appears that a filed summary report does not conform to the law, or
702 if the county clerk has received a written complaint alleging a violation of the law or the falsity
703 of any summary report, the county clerk shall, within five days of discovery of a violation or
704 receipt of a written complaint, notify the local school board candidate of the violation or
705 written complaint and direct the local school board candidate to file a summary report
706 correcting the problem.

707 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a

708 summary report within 14 days after receiving notice from the county clerk under this section.

709 (ii) Each local school board candidate who violates Subsection [~~(3)~~] (4)(c)(i) is guilty
710 of a class B misdemeanor.

711 (iii) The county clerk shall report all violations of Subsection [~~(3)~~] (4)(c)(i) to the
712 district or county attorney.

713 Section 14. Section **20A-12-306** is amended to read:

714 **20A-12-306. Judges --Late reports -- Failure to file reports -- Penalties.**

715 (1) A judge's personal campaign committee that fails to file an interim or summary
716 report on or before the report's due date is subject to the penalties provided in Section
717 20A-11-104.

718 [~~(1)~~] (2) (a) If a judge's personal campaign committee fails to file the interim report due
719 before the regular general election, the lieutenant governor shall, after making a reasonable
720 attempt to discover if the report was timely mailed, inform the county clerk and other
721 appropriate election officials who:

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

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

727 (iii) may not count any votes for that judge.

728 (b) Any judge who fails to [~~file~~] timely file a financial statement required by this part is
729 disqualified.

730 (c) Notwithstanding Subsections [~~(1)~~] (2)(a) and [~~(1)~~] (2)(b), a judge is not disqualified
731 if:

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

733 (ii) those reports are completed, detailing accurately and completely the information
734 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
735 and

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

738 [~~(2)~~] (3) (a) Within 30 days after a deadline for the filing of a summary report, the

739 lieutenant governor shall review each filed summary report to ensure that:

740 (i) each judge that is required to file a summary report has filed one; and

741 (ii) each summary report contains the information required by this part.

742 (b) If it appears that any judge has failed to file the summary report required by law, if
743 it appears that a filed summary report does not conform to the law, or if the lieutenant governor
744 has received a written complaint alleging a violation of the law or the falsity of any summary
745 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a
746 written complaint, notify the judge of the violation or written complaint and direct the judge to
747 file a summary report correcting the problem.

748 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
749 days after receiving notice from the lieutenant governor under this section.

750 (ii) Each judge who violates Subsection [~~(2)~~] (3)(c)(i) is guilty of a class B
751 misdemeanor.

752 (iii) The lieutenant governor shall report all violations of Subsection [~~(2)~~] (3)(c)(i) to
753 the attorney general.

754 Section 15. **Coordinating H.B. 41 with S.B. 21 -- Superseding amendments.**

755 If this H.B. 41 and S.B. 21, Campaign Finance Disclosure Revisions, both pass, it is the
756 intent of the Legislature that when the Office of Legislative Research and General Counsel
757 prepares the Utah Code database for publication, the amendments to Section 20A-11-103
758 supersede the amendments to Section 20A-11-103 in S.B. 21 except that the references to
759 "September 15" in Subsections 20A-11-103(1)(a)(iv) and (1)(b)(iv) in this bill shall be replaced
760 with "August 31".