

1 **CAMPAIGN AND FINANCIAL REPORTING**
2 **REQUIREMENTS AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad L. Dee**

6 Senate Sponsor: Gregory S. Bell

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses the reporting of contributions and public service assistance for
11 various candidates for office and officeholders.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ addresses the reporting of in-kind contributions;
- 15 ▶ requires contributions and public service assistance to be reported within five
16 business days of the day on which they are received;
- 17 ▶ requires contributions and public service assistance that are made in the form of a
18 negotiable instrument or check to be negotiated before the filing deadline for, and
19 included on, interim reports; and
- 20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **20A-11-201**, as last amended by Laws of Utah 1997, Chapter 355



- 28 **20A-11-203**, as last amended by Laws of Utah 2008, Chapter 14
- 29 **20A-11-204**, as last amended by Laws of Utah 2008, Chapter 14
- 30 **20A-11-301**, as last amended by Laws of Utah 1997, Chapter 355
- 31 **20A-11-302**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 32 **20A-11-303**, as last amended by Laws of Utah 2008, Chapter 14
- 33 **20A-11-401**, as last amended by Laws of Utah 2008, Chapter 14
- 34 **20A-11-1301**, as enacted by Laws of Utah 1997, Chapter 355
- 35 **20A-11-1302**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 36 **20A-11-1303**, as last amended by Laws of Utah 2008, Chapter 14

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

39 Section 1. Section **20A-11-201** is amended to read:

40 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

41 (1) (a) Each state office candidate or the candidate's personal campaign committee
 42 shall deposit each contribution and public service assistance received in one or more separate
 43 campaign accounts in a financial institution.

44 (b) The state office candidate or the candidate's personal campaign committee may use
 45 the monies in those accounts only for political purposes.

46 (2) A state office candidate or the candidate's personal campaign committee may not
 47 deposit or mingle any contributions received into a personal or business account.

48 (3) If a person who is no longer a state office candidate chooses not to expend the
 49 monies remaining in his campaign account, the person shall continue to file the year-end
 50 summary report required by Section 20A-11-203 until the statement of dissolution and final
 51 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

52 (4) (a) As used in this Subsection (4), "received" means:

53 (i) for a cash contribution, that the cash is given to a state office candidate or a member
 54 of the candidate's personal campaign committee;

55 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 56 instrument or check is negotiated; and

57 (iii) for any other type of contribution, that any portion of the contribution's benefit
 58 inures to the state office candidate.

59 **(b) Each state office candidate shall report each contribution and public service**
60 **assistance to the lieutenant governor within five business days after the contribution or public**
61 **service assistance is received.**

62 Section 2. Section **20A-11-203** is amended to read:

63 **20A-11-203. State office candidate -- Financial reporting requirements --**
64 **Year-end summary report.**

65 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
66 after the regular general election year.

67 (b) Beginning with the 2008 regular general election and in addition to the
68 requirements of Subsection (1)(a), a former state office candidate that has not filed the
69 statement of dissolution and final summary report required under Section 20A-11-205 shall
70 continue to file a summary report on January 10 of each year.

71 (2) (a) Each summary report shall include the following information as of December 31
72 of the previous year:

73 (i) the net balance of the last summary report, if any;

74 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
75 if any;

76 (iii) a single figure equal to the total amount of expenditures reported on all interim
77 reports, if any, filed during the previous year;

78 (iv) a detailed listing of each contribution and public service assistance received since
79 the last summary report that has not been reported in detail on an interim report;

80 (v) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
81 specific description of the contribution;

82 (vi) a detailed listing of each expenditure made since the last summary report that has
83 not been reported in detail on an interim report;

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

85 (viii) a net balance for the year consisting of the net balance from the last summary
86 report, if any, plus all receipts minus all expenditures.

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

89 (ii) Two or more contributions from the same source that have an aggregate total of

90 more than \$50 may not be reported in the aggregate, but shall be reported separately.

91 (c) In preparing the report, all receipts and expenditures shall be reported as of
92 December 31 of the previous year.

93 (3) The summary report shall contain a paragraph signed by an authorized member of
94 the state office candidate's personal campaign committee or by the state office candidate
95 certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been
96 reported as of December 31 of the previous year and that there are no bills or obligations
97 outstanding and unpaid except as set forth in that report.

98 Section 3. Section **20A-11-204** is amended to read:

99 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
100 **reports.**

101 (1) Each state office candidate shall file an interim report at the following times in any
102 year in which the candidate has filed a declaration of candidacy for a public office:

103 (a) seven days before the candidate's political convention;

104 (b) seven days before the regular primary election date;

105 (c) August 31; and

106 (d) seven days before the regular general election date.

107 (2) Each interim report shall include the following information:

108 (a) the net balance of the last summary report, if any;

109 (b) a single figure equal to the total amount of receipts reported on all prior interim
110 reports, if any, during the calendar year in which the interim report is due;

111 (c) a single figure equal to the total amount of expenditures reported on all prior
112 interim reports, if any, filed during the calendar year in which the interim report is due;

113 (d) a detailed listing of each contribution and public service assistance received since
114 the last summary report that has not been reported in detail on a prior interim report;

115 (e) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
116 specific description of the contribution;

117 (f) a detailed listing of each expenditure made since the last summary report that has
118 not been reported in detail on a prior interim report;

119 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

120 (h) a net balance for the year consisting of the net balance from the last summary

121 report, if any, plus all receipts since the last summary report minus all expenditures since the
122 last summary report; and

123 (i) a summary page in the form required by the lieutenant governor that identifies:

124 (i) beginning balance;

125 (ii) total contributions during the period since the last statement;

126 (iii) total contributions to date;

127 (iv) total expenditures during the period since the last statement; and

128 (v) total expenditures to date.

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

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

133 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
134 as of five days before the required filing date of the report.

135 (b) Any negotiable instrument or check given to a state office candidate more than five
136 days before the required filing date of a report required by this section shall be negotiated and
137 included in the interim report.

138 Section 4. Section **20A-11-301** is amended to read:

139 **20A-11-301. Legislative office candidate -- Campaign requirements.**

140 (1) Each legislative office candidate shall deposit each contribution and public service
141 assistance received in one or more separate accounts in a financial institution that are dedicated
142 only to that purpose.

143 (2) A legislative office candidate may not deposit or mingle any contributions or public
144 service assistance received into a personal or business account.

145 (3) A legislative office candidate may not make any political expenditures prohibited
146 by law.

147 (4) If a person who is no longer a legislative candidate chooses not to expend the
148 monies remaining in his campaign account, the person shall continue to file the year-end
149 summary report required by Section 20A-11-302 until the statement of dissolution and final
150 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

151 (5) (a) As used in this Subsection (5), "received" means:

152 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
153 member of the candidate's personal campaign committee;

154 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
155 instrument or check is negotiated; and

156 (iii) for any other type of contribution, that any portion of the contribution's benefit
157 inures to the legislative office candidate.

158 (b) Each legislative office candidate shall report each contribution and public service
159 assistance to the lieutenant governor within five business days after the contribution or public
160 service assistance is received.

161 Section 5. Section **20A-11-302** is amended to read:

162 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
163 **Year-end summary report.**

164 (1) (a) Each legislative office candidate shall file a summary report by January 10 of
165 the year after the regular general election year.

166 (b) Beginning with the 2008 regular general election and in addition to the
167 requirements of Subsection (1)(a), a former legislative office candidate that has not filed the
168 statement of dissolution and final summary report required under Section 20A-11-304 shall
169 continue to file a summary report on January 10 of each year.

170 (2) (a) Each summary report shall include the following information as of December 31
171 of the previous year:

172 (i) the net balance of the last summary report, if any;

173 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
174 if any, during the calendar year in which the summary report is due;

175 (iii) a single figure equal to the total amount of expenditures reported on all interim
176 reports, if any, filed during the previous year;

177 (iv) a detailed listing of each receipt, contribution, and public service assistance since
178 the last summary report that has not been reported in detail on an interim report;

179 (v) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
180 specific description of the contribution;

181 (vi) a detailed listing of each expenditure made since the last summary report that has
182 not been reported in detail on an interim report;

183 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
184 (viii) a net balance for the year consisting of the net balance from the last summary
185 report, if any, plus all receipts minus all expenditures.

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

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

190 (c) In preparing the report, all receipts and expenditures shall be reported as of
191 December 31 of the previous year.

192 (3) The summary report shall contain a paragraph signed by the legislative office
193 candidate certifying that to the best of the candidate's knowledge, all receipts and all
194 expenditures have been reported as of December 31 of the previous year and that there are no
195 bills or obligations outstanding and unpaid except as set forth in that report.

196 Section 6. Section **20A-11-303** is amended to read:

197 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
198 **Interim reports.**

199 (1) Each legislative office candidate shall file an interim report at the following times
200 in any year in which the candidate has filed a declaration of candidacy for a public office:

201 (a) seven days before the candidate's political convention;

202 (b) seven days before the regular primary election date;

203 (c) August 31; and

204 (d) seven days before the regular general election date.

205 (2) Each interim report shall include the following information:

206 (a) the net balance of the last summary report, if any;

207 (b) a single figure equal to the total amount of receipts reported on all prior interim
208 reports, if any, during the calendar year in which the interim report is due;

209 (c) a single figure equal to the total amount of expenditures reported on all prior
210 interim reports, if any, filed during the calendar year in which the interim report is due;

211 (d) a detailed listing of each contribution and public service assistance received since
212 the last summary report that has not been reported in detail on a prior interim report;

213 (e) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a

214 specific description of the contribution;

215 (f) a detailed listing of each expenditure made since the last summary report that has
216 not been reported in detail on a prior interim report;

217 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

218 (h) a net balance for the year consisting of the net balance from the last summary
219 report, if any, plus all receipts since the last summary report minus all expenditures since the
220 last summary report; and

221 (i) a summary page in the form required by the lieutenant governor that identifies:

222 (i) beginning balance;

223 (ii) total contributions during the period since the last statement;

224 (iii) total contributions to date;

225 (iv) total expenditures during the period since the last statement; and

226 (v) total expenditures to date.

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

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

231 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
232 as of five days before the required filing date of the report.

233 (b) Any negotiable instrument or check given to a legislative office candidate more
234 than five days before the required filing date of a report required by this section shall be
235 negotiated and included in the interim report.

236 Section 7. Section **20A-11-401** is amended to read:

237 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
238 **report.**

239 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

240 (b) An officeholder that is required to file a summary report both as an officeholder and
241 as a candidate for office under the requirements of this chapter may file a single summary
242 report as a candidate and an officeholder, provided that the combined report meets the
243 requirements of:

244 (i) this section; and

245 (ii) the section that provides the requirements for the summary report that must be filed
246 by the officeholder in the officeholder's capacity of a candidate for office.

247 (2) (a) Each summary report shall include the following information as of December 31
248 of the previous year:

249 (i) the net balance of the last summary report, if any;

250 (ii) a single figure equal to the total amount of receipts received since the last summary
251 report, if any;

252 (iii) a single figure equal to the total amount of expenditures made since the last
253 summary report, if any;

254 (iv) a detailed listing of each contribution and public service assistance received since
255 the last summary report;

256 (v) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
257 specific description of the contribution;

258 (vi) a detailed listing of each expenditure made since the last summary report;

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

260 (viii) a net balance for the year consisting of the net balance from the last summary
261 report plus all receipts minus all expenditures.

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

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

266 (c) In preparing the report, all receipts and expenditures shall be reported as of
267 December 31 of the previous year.

268 (3) The summary report shall contain a paragraph signed by the officeholder certifying
269 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
270 reported as of December 31 of the last calendar year and that there are no bills or obligations
271 outstanding and unpaid except as set forth in that report.

272 Section 8. Section **20A-11-1301** is amended to read:

273 **20A-11-1301. School board office candidate -- Campaign requirements.**

274 (1) Each school board office candidate shall deposit each contribution and public
275 service assistance received in one or more separate accounts in a financial institution that are

276 dedicated only to that purpose.

277 (2) A school board office candidate may not deposit or mingle any contributions or
278 public service assistance received into a personal or business account.

279 (3) A school board office candidate may not make any political expenditures prohibited
280 by law.

281 (4) If a person who is no longer a school board candidate chooses not to expend the
282 monies remaining in his campaign account, the person shall continue to file the year-end
283 summary report required by Section 20A-11-1302 until the statement of dissolution and final
284 summary report required by Section 20A-11-1304 are filed with:

285 (a) the lieutenant governor in the case of a state school board candidate; and

286 (b) the county clerk, in the case of a local school board candidate.

287 (5) (a) As used in this Subsection (5), "received" means:

288 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
289 member of the candidate's personal campaign committee;

290 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
291 instrument or check is negotiated; and

292 (iii) for any other type of contribution, that any portion of the contribution's benefit
293 inures to the legislative office candidate.

294 (b) Each school board office candidate shall report each contribution and public service
295 assistance to the lieutenant governor within five business days after the contribution or public
296 service assistance is received.

297 Section 9. Section **20A-11-1302** is amended to read:

298 **20A-11-1302. School board office candidate -- Financial reporting requirements**
299 **-- Year-end summary report.**

300 (1) (a) Each school board office candidate shall file a summary report by January 10 of
301 the year after the regular general election year.

302 (b) Beginning with the 2008 regular general election and in addition to the
303 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
304 statement of dissolution and final summary report required under Section 20A-11-1304 shall
305 continue to file a summary report on January 10 of each year.

306 (2) (a) Each summary report shall include the following information as of December 31

307 of the previous year:

308 (i) the net balance of the last summary report, if any;

309 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
310 if any, during the previous year;

311 (iii) a single figure equal to the total amount of expenditures reported on all interim
312 reports, if any, filed during the previous year;

313 (iv) a detailed listing of each receipt, contribution, and public service assistance since
314 the last summary report that has not been reported in detail on an interim report;

315 (v) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
316 specific description of the contribution;

317 (vi) a detailed listing of each expenditure made since the last summary report that has
318 not been reported in detail on an interim report;

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

320 (viii) a net balance for the year consisting of the net balance from the last summary
321 report, if any, plus all receipts minus all expenditures.

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

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

326 (c) In preparing the report, all receipts and expenditures shall be reported as of
327 December 31 of the previous year.

328 (3) The summary report shall contain a paragraph signed by the school board office
329 candidate certifying that, to the best of the school board office candidate's knowledge, all
330 receipts and all expenditures have been reported as of December 31 of the previous year and
331 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

332 Section 10. Section **20A-11-1303** is amended to read:

333 **20A-11-1303. School board office candidate -- Financial reporting requirements**
334 **-- Interim reports.**

335 (1) Each school board office candidate shall file an interim report at the following
336 times in any year in which the candidate has filed a declaration of candidacy for a public office:

337 (a) May 15, for state school board office candidates;

- 338 (b) seven days before the regular primary election date;
- 339 (c) August 31; and
- 340 (d) seven days before the regular general election date.
- 341 (2) Each interim report shall include the following information:
- 342 (a) the net balance of the last summary report, if any;
- 343 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 344 reports, if any, during the calendar year in which the interim report is due;
- 345 (c) a single figure equal to the total amount of expenditures reported on all prior
- 346 interim reports, if any, filed during the calendar year in which the interim report is due;
- 347 (d) a detailed listing of each contribution and public service assistance received since
- 348 the last summary report that has not been reported in detail on a prior interim report;
- 349 (e) for each nonmonetary contribution, [~~the fair market value of the contribution~~] a
- 350 specific description of the contribution;
- 351 (f) a detailed listing of each expenditure made since the last summary report that has
- 352 not been reported in detail on a prior interim report;
- 353 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 354 (h) a net balance for the year consisting of the net balance from the last summary
- 355 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 356 last summary report; and
- 357 (i) a summary page in the form required by the lieutenant governor that identifies:
- 358 (i) beginning balance;
- 359 (ii) total contributions during the period since the last statement;
- 360 (iii) total contributions to date;
- 361 (iv) total expenditures during the period since the last statement; and
- 362 (v) total expenditures to date.
- 363 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 364 single aggregate figure may be reported without separate detailed listings.
- 365 (b) Two or more contributions from the same source that have an aggregate total of
- 366 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 367 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
- 368 as of five days before the required filing date of the report.

369 (b) Any negotiable instrument or check given to a school board office candidate more
370 than five days before the required filing date of a report required by this section shall be
371 negotiated and included in the interim report.

Legislative Review Note
as of 2-9-09 11:57 AM

Office of Legislative Research and General Counsel

H.B. 346 - Campaign and Financial Reporting Requirements Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will require a one-time General Fund appropriation of \$5,000 for programming changes.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$5,000	\$0	\$0	\$0	\$0
Total	\$0	\$5,000	\$0	\$0	\$0	\$0

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.