

Senator John L. Valentine proposes the following substitute bill:

CAMPAIGN AND FINANCIAL REPORTING

REQUIREMENTS AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Gregory S. Bell

7	Cosponsors:	Kerry W. Gibson	Carol Spackman Moss
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24	Craig A. Frank	Kay L. McIff	Carl Wimmer
25	Kevin S. Garn	Ronda Rudd Menlove	Bradley A. Winn
26	Francis D. Gibson	Michael T. Morley	



LONG TITLE

General Description:

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



32 **Highlighted Provisions:**

33 This bill:

- 34 ▶ addresses the reporting of in-kind contributions;
- 35 ▶ requires contributions and public service assistance to be reported within 30 days of
- 36 the day on which they are received;
- 37 ▶ requires contributions and public service assistance that are made in the form of a
- 38 negotiable instrument or check to be negotiated before the filing deadline for, and
- 39 included on, interim reports; and
- 40 ▶ makes technical changes.

41 **Monies Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 None

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 **20A-11-201**, as last amended by Laws of Utah 1997, Chapter 355
- 48 **20A-11-203**, as last amended by Laws of Utah 2008, Chapter 14
- 49 **20A-11-204**, as last amended by Laws of Utah 2008, Chapter 14
- 50 **20A-11-301**, as last amended by Laws of Utah 1997, Chapter 355
- 51 **20A-11-302**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 52 **20A-11-303**, as last amended by Laws of Utah 2008, Chapter 14
- 53 **20A-11-401**, as last amended by Laws of Utah 2008, Chapter 14
- 54 **20A-11-1301**, as enacted by Laws of Utah 1997, Chapter 355
- 55 **20A-11-1302**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 56 **20A-11-1303**, as last amended by Laws of Utah 2008, Chapter 14



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

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

60 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

61 (1) (a) Each state office candidate or the candidate's personal campaign committee
62 shall deposit each contribution and public service assistance received in one or more separate

63 campaign accounts in a financial institution.

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

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

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

72 (4) (a) As used in this Subsection (4) and Section 20A-11-204, "received" means:

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

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

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

79 (b) Each state office candidate shall report each contribution and public service
80 assistance to the lieutenant governor within 30 days after the contribution or public service
81 assistance is received.

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

83 **20A-11-203. State office candidate -- Financial reporting requirements --**
84 **Year-end summary report.**

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

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

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

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

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

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

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

100 (v) for each nonmonetary contribution[;]:

101 (A) the fair market value of the contribution[;] with that information provided by the
102 contributor; and

103 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

121 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
122 **reports.**

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

- 125 (a) seven days before the candidate's political convention;
- 126 (b) seven days before the regular primary election date;
- 127 (c) August 31; and
- 128 (d) seven days before the regular general election date.
- 129 (2) Each interim report shall include the following information:
- 130 (a) the net balance of the last summary report, if any;
- 131 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 132 reports, if any, during the calendar year in which the interim report is due;
- 133 (c) a single figure equal to the total amount of expenditures reported on all prior
- 134 interim reports, if any, filed during the calendar year in which the interim report is due;
- 135 (d) a detailed listing of each contribution and public service assistance received since
- 136 the last summary report that has not been reported in detail on a prior interim report;
- 137 (e) for each nonmonetary contribution[;]:
- 138 (i) the fair market value of the contribution[;] with that information provided by the
- 139 contributor; and
- 140 (ii) a specific description of the contribution;
- 141 (f) a detailed listing of each expenditure made since the last summary report that has
- 142 not been reported in detail on a prior interim report;
- 143 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 144 (h) a net balance for the year consisting of the net balance from the last summary
- 145 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 146 last summary report; and
- 147 (i) a summary page in the form required by the lieutenant governor that identifies:
- 148 (i) beginning balance;
- 149 (ii) total contributions during the period since the last statement;
- 150 (iii) total contributions to date;
- 151 (iv) total expenditures during the period since the last statement; and
- 152 (v) total expenditures to date.
- 153 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 154 single aggregate figure may be reported without separate detailed listings.
- 155 (b) Two or more contributions from the same source that have an aggregate total of

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

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

159 (b) Any negotiable instrument or check received by a state office candidate more than
160 five days before the required filing date of a report required by this section shall be negotiated
161 and included in the interim report.

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

163 **20A-11-301. Legislative office candidate -- Campaign requirements.**

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

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

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

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

175 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

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

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

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

182 (b) Each legislative office candidate shall report each contribution and public service
183 assistance to the lieutenant governor within 30 days after the contribution or public service
184 assistance is received.

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

186 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

187 **Year-end summary report.**

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

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

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

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

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

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

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

203 (v) for each nonmonetary contribution[;]:

204 (A) the fair market value of the contribution[;] with that information provided by the
205 contributor; and

206 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

223 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
224 **Interim reports.**

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

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

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

229 (c) August 31; and

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

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

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

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

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

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

239 (e) for each nonmonetary contribution[?];

240 (i) the fair market value of the contribution[?] with that information provided by the
241 contributor; and

242 (ii) a specific description of the contribution;

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

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

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

- 249 (i) a summary page in the form required by the lieutenant governor that identifies:
- 250 (i) beginning balance;
- 251 (ii) total contributions during the period since the last statement;
- 252 (iii) total contributions to date;
- 253 (iv) total expenditures during the period since the last statement; and
- 254 (v) total expenditures to date.

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

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

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

261 (b) Any negotiable instrument or check received by a legislative office candidate more
262 than five days before the required filing date of a report required by this section shall be
263 negotiated and included in the interim report.

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

265 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
266 **report.**

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

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

272 (i) this section; and

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

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

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

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

- 280 (iii) a single figure equal to the total amount of expenditures made since the last
281 summary report, if any;
- 282 (iv) a detailed listing of each contribution and public service assistance received since
283 the last summary report;
- 284 (v) for each nonmonetary contribution[;]:
- 285 (A) the fair market value of the contribution[;] with that information provided by the
286 contributor; and
- 287 (B) a specific description of the contribution;
- 288 (vi) a detailed listing of each expenditure made since the last summary report;
- 289 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 290 (viii) a net balance for the year consisting of the net balance from the last summary
291 report plus all receipts minus all expenditures.

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

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

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

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

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

303 **20A-11-1301. School board office candidate -- Campaign requirements.**

304 (1) Each school board office candidate shall deposit each contribution and public
305 service assistance received in one or more separate accounts in a financial institution that are
306 dedicated only to that purpose.

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

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

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

- 315 (a) the lieutenant governor in the case of a state school board candidate; and
- 316 (b) the county clerk, in the case of a local school board candidate.

317 (5) (a) As used in this Subsection (5) and Section 20A-11-1303, "received" means:

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

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

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

324 (b) Each school board office candidate shall report each contribution and public service
325 assistance to the lieutenant governor within 30 days after the contribution or public service
326 assistance is received.

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

328 **20A-11-1302. School board office candidate -- Financial reporting requirements**
329 **-- Year-end summary report.**

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

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

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

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

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

341 (iii) a single figure equal to the total amount of expenditures reported on all interim

342 reports, if any, filed during the previous year;

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

345 (v) for each nonmonetary contribution[;]:

346 (A) the fair market value of the contribution[;] with that information provided by the
347 contributor; and

348 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

365 **20A-11-1303. School board office candidate -- Financial reporting requirements**
366 **-- Interim reports.**

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

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

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

371 (c) August 31; and

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

- 373 (2) Each interim report shall include the following information:
- 374 (a) the net balance of the last summary report, if any;
- 375 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 376 reports, if any, during the calendar year in which the interim report is due;
- 377 (c) a single figure equal to the total amount of expenditures reported on all prior
- 378 interim reports, if any, filed during the calendar year in which the interim report is due;
- 379 (d) a detailed listing of each contribution and public service assistance received since
- 380 the last summary report that has not been reported in detail on a prior interim report;
- 381 (e) for each nonmonetary contribution[;]:
- 382 (i) the fair market value of the contribution[;] with that information provided by the
- 383 contribution; and
- 384 (ii) a specific description of the contribution;
- 385 (f) a detailed listing of each expenditure made since the last summary report that has
- 386 not been reported in detail on a prior interim report;
- 387 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 388 (h) a net balance for the year consisting of the net balance from the last summary
- 389 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 390 last summary report; and
- 391 (i) a summary page in the form required by the lieutenant governor that identifies:
- 392 (i) beginning balance;
- 393 (ii) total contributions during the period since the last statement;
- 394 (iii) total contributions to date;
- 395 (iv) total expenditures during the period since the last statement; and
- 396 (v) total expenditures to date.
- 397 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 398 single aggregate figure may be reported without separate detailed listings.
- 399 (b) Two or more contributions from the same source that have an aggregate total of
- 400 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 401 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
- 402 as of five days before the required filing date of the report.
- 403 (b) Any negotiable instrument or check received by a school board office candidate

404 more than five days before the required filing date of a report required by this section shall be
405 negotiated and included in the interim report.