

Senator Curtis S. Bramble 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 |
| 8 | Sheryl L. Allen | James R. Gowans | Merlynn T. Newbold |
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| 23 | Lorie D. Fowlke | John G. Mathis | Larry B. Wiley |
| 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 ▶ defines terms;
- 35 ▶ addresses the reporting of in-kind contributions;
- 36 ▶ requires contributions and public service assistance to be reported within 30 days of
- 37 the day on which they are received;
- 38 ▶ requires contributions and public service assistance that are made in the form of a
- 39 negotiable instrument or check to be negotiated before the filing deadline for, and
- 40 included on, interim reports; and
- 41 ▶ makes technical changes.

42 **Monies Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **20A-11-101**, as last amended by Laws of Utah 2008, Chapters 14 and 49

49 **20A-11-201**, as last amended by Laws of Utah 1997, Chapter 355

50 **20A-11-203**, as last amended by Laws of Utah 2008, Chapter 14

51 **20A-11-204**, as last amended by Laws of Utah 2008, Chapter 14

52 **20A-11-301**, as last amended by Laws of Utah 1997, Chapter 355

53 **20A-11-302**, as last amended by Laws of Utah 2008, Chapters 14 and 225

54 **20A-11-303**, as last amended by Laws of Utah 2008, Chapter 14

55 **20A-11-401**, as last amended by Laws of Utah 2008, Chapter 14

56 **20A-11-1301**, as enacted by Laws of Utah 1997, Chapter 355

57 **20A-11-1302**, as last amended by Laws of Utah 2008, Chapters 14 and 225

58 **20A-11-1303**, as last amended by Laws of Utah 2008, Chapter 14

59

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

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

62 **20A-11-101. Definitions.**

63 As used in this chapter:

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

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

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

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

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

74 (4) "Chief election officer" means:

75 (a) the lieutenant governor for state office candidates, legislative office candidates,
76 officeholders, political parties, political action committees, corporations, political issues
77 committees, and state school board candidates; and

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

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

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

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

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

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

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

92 (v) remuneration from any organization or its directly affiliated organization that has a
93 registered lobbyist to compensate a legislator for a loss of salary or income while the

94 Legislature is in session;

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

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

99 (b) "Contribution" does not include:

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

102 (ii) money lent to the filing entity by a financial institution in the ordinary course of
103 business~~[-]; or~~

104 (iii) goods or services provided for the benefit of a candidate or political party at less
105 than fair market value that are not authorized by or coordinated with the candidate or political
106 party.

107 (7) "Coordinated with" means that goods or services provided for the benefit of a
108 candidate or political party are provided:

109 (a) with the candidate's or political party's prior knowledge, if the candidate or political
110 party does not object;

111 (b) by agreement with the candidate or political party;

112 (c) in coordination with the candidate or political party; or

113 (d) using official logos, slogans, and similar elements belonging to a candidate or
114 political party.

115 ~~[(7)]~~ (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
116 organization that is registered as a corporation or is authorized to do business in a state and
117 makes any expenditure from corporate funds for:

118 (i) political purposes; or

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

120 (b) "Corporation" does not mean:

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

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

123 ~~[(8)]~~ (9) "Detailed listing" means:

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

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

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

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

129 (b) for each expenditure:

130 (i) the amount of the expenditure;

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

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

133 (iv) the date the expenditure was made.

134 [~~9~~] (10) "Election" means each:

135 (a) regular general election;

136 (b) regular primary election; and

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

138 [~~10~~] (11) (a) "Expenditure" means:

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

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

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

146 (iv) compensation paid by a corporation or filing entity for personal services rendered
147 by a person without charge to a reporting entity;

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

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

152 (b) "Expenditure" does not include:

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

155 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

156 business; or

157 (iii) anything listed in Subsection [~~(10)~~] (11)(a) that is given by a corporation or
158 reporting entity to candidates for office or officeholders in states other than Utah.

159 [~~(11)~~] (12) "Filing entity" means the reporting entity that is filing a financial statement
160 required by this chapter.

161 [~~(12)~~] (13) "Financial statement" includes any summary report, interim report, verified
162 financial statement, or other statement disclosing contributions, expenditures, receipts,
163 donations, or disbursements that is required by this chapter.

164 [~~(13)~~] (14) "Governing board" means the individual or group of individuals that
165 determine the candidates and committees that will receive expenditures from a political action
166 committee.

167 [~~(14)~~] (15) "Incorporation" means the process established by Title 10, Chapter 2, Part
168 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

169 [~~(15)~~] (16) "Incorporation election" means the election authorized by Section 10-2-111.

170 [~~(16)~~] (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

171 [~~(17)~~] (18) "Individual" means a natural person.

172 [~~(18)~~] (19) "Interim report" means a report identifying the contributions received and
173 expenditures made since the last report.

174 [~~(19)~~] (20) "Legislative office" means the office of state senator, state representative,
175 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
176 assistant whip of any party caucus in either house of the Legislature.

177 [~~(20)~~] (21) "Legislative office candidate" means a person who:

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

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

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

185 [~~(21)~~] (22) "Newly registered political party" means an organization of voters that has
186 complied with the petition and organizing procedures of this chapter to become a registered

187 political party.

188 [~~(22)~~] (23) "Officeholder" means a person who holds a public office.

189 [~~(23)~~] (24) "Party committee" means any committee organized by or authorized by the
190 governing board of a registered political party.

191 [~~(24)~~] (25) "Person" means both natural and legal persons, including individuals,
192 business organizations, personal campaign committees, party committees, political action
193 committees, political issues committees, labor unions, and labor organizations.

194 [~~(25)~~] (26) "Personal campaign committee" means the committee appointed by a
195 candidate to act for the candidate as provided in this chapter.

196 [~~(26)~~] (27) (a) "Political action committee" means an entity, or any group of
197 individuals or entities within or outside this state, that solicits or receives contributions from
198 any other person, group, or entity or makes expenditures:

199 (i) for political purposes; or

200 (ii) with the intent or in a way to influence or tend to influence, directly or indirectly,
201 any person to refrain from voting or to vote for or against any candidate for a municipal or
202 county office.

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

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

207 (i) a party committee;

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

210 (iii) an individual;

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

213 (v) a corporation; or

214 (vi) a personal campaign committee.

215 [~~(27)~~] (28) "Political convention" means a county or state political convention held by
216 a registered political party to select candidates.

217 [~~(28)~~] (29) (a) "Political issues committee" means an entity, or any group of individuals

218 or entities within or outside this state, that solicits or receives donations from any other person,
219 group, or entity or makes disbursements to influence, or to intend to influence, directly or
220 indirectly, any person to:

221 (i) assist in placing a ballot proposition on the ballot, assist in keeping a ballot
222 proposition off the ballot, or refrain from voting or vote for or vote against any ballot
223 proposition; or

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

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

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

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

230 (iii) an individual;

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

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

235 [~~(29)~~] (30) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

251 [~~30~~] (31) (a) "Political issues expenditure" means any of the following:

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

254 (A) a ballot proposition; or

255 (B) an incorporation petition or incorporation election;

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

258 (A) a ballot proposition; or

259 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

271 [~~31~~] (32) "Political purposes" means an act done with the intent or in a way to
272 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
273 for or against any candidate for public office at any caucus, political convention, primary, or
274 election.

275 [~~32~~] (33) "Primary election" means any regular primary election held under the
276 election laws.

277 [~~33~~] (34) "Public office" means the office of governor, lieutenant governor, state
278 auditor, state treasurer, attorney general, state or local school board member, state senator, state
279 representative, speaker of the House of Representatives, president of the Senate, and the leader,

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

281 ~~[(34)]~~ (35) (a) "Public service assistance" means the following when given or provided
282 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
283 communicate with the officeholder's constituents:

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

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

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

289 (i) anything provided by the state;

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

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

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

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

298 ~~[(35)]~~ (36) "Publicly identified class of individuals" means a group of 50 or more
299 individuals sharing a common occupation, interest, or association that contribute to a political
300 action committee or political issues committee and whose names can be obtained by contacting
301 the political action committee or political issues committee upon whose financial report they
302 are listed.

303 ~~[(36)]~~ (37) "Receipts" means contributions and public service assistance.

304 ~~[(37)]~~ (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
305 Lobbyist Disclosure and Regulation Act.

306 ~~[(38)]~~ (39) "Registered political action committee" means any political action
307 committee that is required by this chapter to file a statement of organization with the lieutenant
308 governor's office.

309 ~~[(39)]~~ (40) "Registered political issues committee" means any political issues
310 committee that is required by this chapter to file a statement of organization with the lieutenant

311 governor's office.

312 [~~(40)~~] (41) "Registered political party" means an organization of voters that:

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

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

317 [~~(41)~~] (42) "Reporting entity" means a candidate, a candidate's personal campaign
318 committee, an officeholder, a party committee, a political action committee, and a political
319 issues committee.

320 [~~(42)~~] (43) "School board office" means the office of state school board or local school
321 board.

322 [~~(43)~~] (44) (a) "Source" means the person or entity that is the legal owner of the
323 tangible or intangible asset that comprises the contribution.

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

327 [~~(44)~~] (45) "State office" means the offices of governor, lieutenant governor, attorney
328 general, state auditor, and state treasurer.

329 [~~(45)~~] (46) "State office candidate" means a person who:

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

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

334 [~~(46)~~] (47) "Summary report" means the year end report containing the summary of a
335 reporting entity's contributions and expenditures.

336 [~~(47)~~] (48) "Supervisory board" means the individual or group of individuals that
337 allocate expenditures from a political issues committee.

338 Section 2. Section **20A-11-201** is amended to read:

339 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

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

342 campaign accounts in a financial institution.

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

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

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

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

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

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

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

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

361 Section 3. Section **20A-11-203** is amended to read:

362 **20A-11-203. State office candidate -- Financial reporting requirements --**
363 **Year-end summary report.**

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

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

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

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

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

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

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

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

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

382 (B) a specific description of the contribution;

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

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

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

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

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

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

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

399 Section 4. Section **20A-11-204** is amended to read:

400 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
401 **reports.**

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

- 404 (a) seven days before the candidate's political convention;
- 405 (b) seven days before the regular primary election date;
- 406 (c) August 31; and
- 407 (d) seven days before the regular general election date.
- 408 (2) Each interim report shall include the following information:
- 409 (a) the net balance of the last summary report, if any;
- 410 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 411 reports, if any, during the calendar year in which the interim report is due;
- 412 (c) a single figure equal to the total amount of expenditures reported on all prior
- 413 interim reports, if any, filed during the calendar year in which the interim report is due;
- 414 (d) a detailed listing of each contribution and public service assistance received since
- 415 the last summary report that has not been reported in detail on a prior interim report;
- 416 (e) for each nonmonetary contribution[;]:
- 417 (i) the fair market value of the contribution[;] with that information provided by the
- 418 contributor; and
- 419 (ii) a specific description of the contribution;
- 420 (f) a detailed listing of each expenditure made since the last summary report that has
- 421 not been reported in detail on a prior interim report;
- 422 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 423 (h) a net balance for the year consisting of the net balance from the last summary
- 424 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 425 last summary report; and
- 426 (i) a summary page in the form required by the lieutenant governor that identifies:
- 427 (i) beginning balance;
- 428 (ii) total contributions during the period since the last statement;
- 429 (iii) total contributions to date;
- 430 (iv) total expenditures during the period since the last statement; and
- 431 (v) total expenditures to date.
- 432 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 433 single aggregate figure may be reported without separate detailed listings.
- 434 (b) Two or more contributions from the same source that have an aggregate total of

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

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

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

441 Section 5. Section **20A-11-301** is amended to read:

442 **20A-11-301. Legislative office candidate -- Campaign requirements.**

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

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

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

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

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

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

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

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

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

464 Section 6. Section **20A-11-302** is amended to read:

465 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

466 **Year-end summary report.**

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

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

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

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

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

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

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

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

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

485 (B) a specific description of the contribution;

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

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

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

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

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

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

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

501 Section 7. Section **20A-11-303** is amended to read:

502 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
503 **Interim reports.**

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

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

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

508 (c) August 31; and

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

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

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

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

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

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

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

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

521 (ii) a specific description of the contribution;

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

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

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

- 528 (i) a summary page in the form required by the lieutenant governor that identifies:
- 529 (i) beginning balance;
- 530 (ii) total contributions during the period since the last statement;
- 531 (iii) total contributions to date;
- 532 (iv) total expenditures during the period since the last statement; and
- 533 (v) total expenditures to date.

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

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

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

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

543 Section 8. Section **20A-11-401** is amended to read:

544 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
545 **report.**

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

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

551 (i) this section; and

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

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

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

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

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

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

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

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

566 (B) a specific description of the contribution;

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

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

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

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

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

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

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

581 Section 9. Section **20A-11-1301** is amended to read:

582 **20A-11-1301. School board office candidate -- Campaign requirements.**

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

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

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

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

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

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

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

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

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

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

606 Section 10. Section **20A-11-1302** is amended to read:

607 **20A-11-1302. School board office candidate -- Financial reporting requirements**
608 **-- Year-end summary report.**

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

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

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

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

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

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

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

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

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

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

627 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

644 **20A-11-1303. School board office candidate -- Financial reporting requirements**
645 **-- Interim reports.**

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

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

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

650 (c) August 31; and

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

- 652 (2) Each interim report shall include the following information:
- 653 (a) the net balance of the last summary report, if any;
- 654 (b) a single figure equal to the total amount of receipts reported on all prior interim
655 reports, if any, during the calendar year in which the interim report is due;
- 656 (c) a single figure equal to the total amount of expenditures reported on all prior
657 interim reports, if any, filed during the calendar year in which the interim report is due;
- 658 (d) a detailed listing of each contribution and public service assistance received since
659 the last summary report that has not been reported in detail on a prior interim report;
- 660 (e) for each nonmonetary contribution[;]:
- 661 (i) the fair market value of the contribution[;] with that information provided by the
662 contribution; and
- 663 (ii) a specific description of the contribution;
- 664 (f) a detailed listing of each expenditure made since the last summary report that has
665 not been reported in detail on a prior interim report;
- 666 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 667 (h) a net balance for the year consisting of the net balance from the last summary
668 report, if any, plus all receipts since the last summary report minus all expenditures since the
669 last summary report; and
- 670 (i) a summary page in the form required by the lieutenant governor that identifies:
- 671 (i) beginning balance;
- 672 (ii) total contributions during the period since the last statement;
- 673 (iii) total contributions to date;
- 674 (iv) total expenditures during the period since the last statement; and
- 675 (v) total expenditures to date.
- 676 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
677 single aggregate figure may be reported without separate detailed listings.
- 678 (b) Two or more contributions from the same source that have an aggregate total of
679 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 680 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
681 as of five days before the required filing date of the report.
- 682 (b) Any negotiable instrument or check received by a school board office candidate

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

Fiscal Note**H.B. 346 3rd Sub. (Cherry) - Campaign and Financial Reporting
Requirements Amendments**

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 Approp.</u> | <u>2010 Approp.</u> | <u>2011 Approp.</u> | <u>2009 Revenue</u> | <u>2010 Revenue</u> | <u>2011 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.