

Senator Curtis S. Bramble proposes the following substitute bill:

CAMPAIGN FINANCE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements and Title 20A, Chapter 12, Selection and Election of Judges.

Highlighted Provisions:

This bill:

- ▶ enacts, amends, and repeals definitions;
- ▶ requires a filing entity to electronically file a financial statement;
- ▶ requires the lieutenant governor to post a financial statement online in a searchable format within three business days;
- ▶ requires checks that have been negotiated to be reported in an interim or summary report;
- ▶ requires a person sponsoring certain electioneering communications to file a report;
- ▶ repeals a provision requiring a political action committee or political issues committee to disclose the occupation of a person who makes a contribution;
- ▶ establishes additional filing deadlines for some filing entities;
- ▶ requires a corporation to disclose certain contracts with the state;
- ▶ prohibits making a campaign contribution in another's name;
- ▶ establishes reporting requirements for labor organizations; and



26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill takes effect on January 1, 2011.

31 **Utah Code Sections Affected:**

32 **AMENDS:**

33 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361

34 **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49

35 **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361

36 **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361

37 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202

38 **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361

39 **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361

40 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202

41 **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14

42 **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14

43 **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49

44 **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14

45 **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14

46 **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14

47 **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49

48 **20A-11-901**, as enacted by Laws of Utah 1995, Chapter 1

49 **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355

50 **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317

51 **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361

52 **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361

53 **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361

54 **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14

55 **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166

56 **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14

57 **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166

58 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

59 ENACTS:

60 **20A-11-904**, Utah Code Annotated 1953

61 **20A-11-1501**, Utah Code Annotated 1953

62 **20A-11-1502**, Utah Code Annotated 1953

63 **20A-11-1503**, Utah Code Annotated 1953



64
65 *Be it enacted by the Legislature of the state of Utah:*

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

67 **20A-11-101. Definitions.**

68 As used in this chapter:

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

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

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

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

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

79 (4) "Chief election officer" means:

80 (a) the lieutenant governor for state office candidates, legislative office candidates,
81 officeholders, political parties, political action committees, corporations, political issues
82 committees, ~~and~~ state school board candidates, judges, and labor organizations, as defined in
83 Section 20A-11-1501; and

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

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

88 ~~[(6)]~~ (5) (a) "Contribution" means any of the following when done for political
89 purposes:

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

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

95 (iii) any transfer of funds from another reporting entity ~~[or a corporation]~~ to the filing
96 entity;

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

99 (v) remuneration from:

100 (A) any organization or its directly affiliated organization that has a registered lobbyist
101 ~~[to compensate a legislator for a loss of salary or income while the Legislature is in session]; or~~

102 ~~[(vi) salaries or other remuneration paid to a legislator by]~~

103 (B) any agency or subdivision of the state, including school districts~~[- for the period the~~
104 ~~Legislature is in session]; and~~

105 ~~[(vii)]~~ (vi) goods or services provided to or for the benefit of the filing entity at less
106 than fair market value.

107 (b) "Contribution" does not include:

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

110 (ii) money lent to the filing entity by a financial institution in the ordinary course of
111 business; or

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

115 ~~[(7)]~~ (6) "Coordinated with" means that goods or services provided for the benefit of a
116 candidate or political party are provided:

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

- 119 (b) by agreement with the candidate or political party;
- 120 (c) in coordination with the candidate or political party; or
- 121 (d) using official logos, slogans, and similar elements belonging to a candidate or
- 122 political party.

123 ~~[(8)]~~ (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

124 organization that is registered as a corporation or is authorized to do business in a state and

125 makes any expenditure from corporate funds for:

- 126 (i) the purpose of expressly advocating for political purposes; or
- 127 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
- 128 proposition.

129 (b) "Corporation" does not mean:

- 130 (i) a business organization's political action committee or political issues committee; or
- 131 (ii) a business entity organized as a partnership or a sole proprietorship.

132 ~~[(9)]~~ (8) "Detailed listing" means:

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

134 (i) the name and address of the individual or source making the contribution or public

135 service assistance;

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

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

138 (b) for each expenditure:

139 (i) the amount of the expenditure;

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

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

142 (iv) the date the expenditure was made.

143 ~~[(10)]~~ (9) "Election" means each:

144 (a) regular general election;

145 (b) regular primary election; and

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

147 (10) "Electioneering communication" means a communication that:

148 (a) has at least a value of \$10,000;

149 (b) clearly identifies a candidate or judge; and

150 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
151 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
152 identified candidate's or judge's election date.

153 (11) (a) "Expenditure" means:

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

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

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

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

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

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

167 (b) "Expenditure" does not include:

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

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

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

174 (12) "Filing entity" means the reporting entity that is ~~filing~~ required to file a financial
175 statement required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention
176 Elections.

177 (13) "Financial statement" includes any summary report, interim report, verified
178 financial statement, or other statement disclosing contributions, expenditures, receipts,
179 donations, or disbursements that is required by this chapter or Title 20A, Chapter 12, Part 2,
180 Judicial Retention Elections.

181 (14) "Governing board" means the individual or group of individuals that determine the
 182 candidates and committees that will receive expenditures from a political action committee,
 183 political party, or corporation.

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

186 (16) "Incorporation election" means the election authorized by Section 10-2-111.

187 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

188 (18) "Individual" means a natural person.

189 (19) "Interim report" means a report identifying the contributions received and
 190 expenditures made since the last report.

191 (20) "Legislative office" means the office of state senator, state representative, speaker
 192 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
 193 whip of any party caucus in either house of the Legislature.

194 (21) "Legislative office candidate" means a person who:

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

196 (b) declares [~~himself~~] oneself to be a candidate for, or actively campaigns for, the
 197 position of speaker of the House of Representatives, president of the Senate, or the leader,
 198 whip, and assistant whip of any party caucus in either house of the Legislature; [~~and~~] or

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

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

205 [~~(23)~~] (22) "Officeholder" means a person who holds a public office.

206 [~~(24)~~] (23) "Party committee" means any committee organized by or authorized by the
 207 governing board of a registered political party.

208 [~~(25)~~] (24) "Person" means both natural and legal persons, including individuals,
 209 business organizations, personal campaign committees, party committees, political action
 210 committees, political issues committees, ~~§→ [labor unions,] ←§~~ and labor organizations, as defined in
 211 Section 20A-11-1501.

212 [~~(26)~~] (25) "Personal campaign committee" means the committee appointed by a
213 candidate to act for the candidate as provided in this chapter.

214 [~~(27)~~] (26) (a) "Political action committee" means an entity, or any group of
215 individuals or entities within or outside this state, a major purpose of which is to:

216 (i) solicit or receive contributions from any other person, group, or entity for political
217 purposes; or

218 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
219 vote for or against any candidate [~~for~~] or person seeking election to a municipal or county
220 office.

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

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

225 (i) a party committee;

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

228 (iii) an individual;

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

231 (v) a corporation, except a corporation a major purpose of which is to act as a political
232 action committee; or

233 (vi) a personal campaign committee.

234 [~~(28)~~] (27) "Political convention" means a county or state political convention held by
235 a registered political party to select candidates.

236 [~~(29)~~] (28) (a) "Political issues committee" means an entity, or any group of individuals
237 or entities within or outside this state, a major purpose of which is to:

238 (i) solicit or receive donations from any other person, group, or entity to assist in
239 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
240 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

241 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
242 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any

243 proposed ballot proposition or an incorporation in an incorporation election; or

244 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
245 ballot or to assist in keeping a ballot proposition off the ballot.

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

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

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

250 (iii) an individual;

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

253 (v) a corporation, except a corporation a major purpose of which is to act as a political
254 issues committee.

255 [~~30~~] (29) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

266 (b) "Political issues contribution" 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~~] (30) (a) "Political issues expenditure" means any of the following:

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

274 (A) a ballot proposition; or
275 (B) an incorporation petition or incorporation election;
276 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
277 the express purpose of influencing the approval or the defeat of:

278 (A) a ballot proposition; or
279 (B) an incorporation petition or incorporation election;
280 (iii) an express, legally enforceable contract, promise, or agreement to make any
281 political issues expenditure;
282 (iv) compensation paid by a reporting entity for personal services rendered by a person
283 without charge to a political issues committee; or
284 (v) goods or services provided to or for the benefit of another reporting entity at less
285 than fair market value.

286 (b) "Political issues expenditure" does not include:
287 (i) services provided without compensation by individuals volunteering a portion or all
288 of their time on behalf of a political issues committee; or
289 (ii) money lent to a political issues committee by a financial institution in the ordinary
290 course of business.

291 ~~[(32)]~~ (31) "Political purposes" means an act done with the intent or in a way to
292 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
293 for or against any candidate ~~[for public office]~~ or a person seeking a municipal or county office
294 at any caucus, political convention, ~~[primary,]~~ or election.

295 ~~[(33)]~~ (32) "Primary election" means any regular primary election held under the
296 election laws.

297 ~~[(34)]~~ (33) "Public office" means the office of governor, lieutenant governor, state
298 auditor, state treasurer, attorney general, state or local school board member, state senator, state
299 representative, speaker of the House of Representatives, president of the Senate, and the leader,
300 whip, and assistant whip of any party caucus in either house of the Legislature.

301 ~~[(35)]~~ (34) (a) "Public service assistance" means the following when given or provided
302 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
303 communicate with the officeholder's constituents:

304 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

305 money or anything of value to an officeholder; or

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

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

309 (i) anything provided by the state;

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

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

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

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

318 ~~[(36)]~~ (35) "Publicly identified class of individuals" means a group of 50 or more
319 individuals sharing a common occupation, interest, or association that contribute to a political
320 action committee or political issues committee and whose names can be obtained by contacting
321 the political action committee or political issues committee upon whose financial ~~[report they]~~
322 statement the individuals are listed.

323 ~~[(37)]~~ (36) "Receipts" means contributions and public service assistance.

324 ~~[(38)]~~ (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
325 Lobbyist Disclosure and Regulation Act.

326 ~~[(39)]~~ (38) "Registered political action committee" means any political action
327 committee that is required by this chapter to file a statement of organization with the lieutenant
328 governor's office.

329 ~~[(40)]~~ (39) "Registered political issues committee" means any political issues
330 committee that is required by this chapter to file a statement of organization with the lieutenant
331 governor's office.

332 ~~[(41)]~~ (40) "Registered political party" means an organization of voters that:

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

336 (b) has complied with the petition and organizing procedures of [~~this chapter~~] Chapter
337 8, Political Party Formation and Procedures.

338 (41) (a) "Remuneration" means a payment:

339 (i) made to a legislator for the period the Legislature is in session; and

340 (ii) that is approximately equivalent to an amount a legislator would have earned

341 during the period the Legislature is in session in the legislator's ordinary course of business.

342 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

343 (i) the legislator's primary employer in the ordinary course of business; or

344 (ii) a person or entity in the ordinary course of business:

345 (A) because of the legislator's ownership interest in the entity; or

346 (B) for services rendered by the legislator on behalf of the person or entity.

347 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,
348 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
349 action committee, [~~and~~] a political issues committee, a corporation, or a labor organization, as
350 defined in Section 20A-11-1501.

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

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

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

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

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

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

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

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

366 (48) "Supervisory board" means the individual or group of individuals that allocate

367 expenditures from a political issues committee.

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

369 **20A-11-103. Notice of pending interim and summary reports -- Form of**
 370 **submission -- Public availability -- Notice of local filings.**

371 (1) (a) Except as provided under Subsection (1)(b), 10 days before [~~a financial~~
 372 ~~statement from a state office candidate, legislative office candidate, officeholder, state school~~
 373 ~~board candidate, political party, political action committee, political issues committee, or~~
 374 ~~judge]~~ an interim report or summary report is due under this chapter[;] or Chapter 12, Part 2,
 375 Judicial Retention Elections, the [~~lieutenant governor]~~ chief election officer shall inform [~~those~~
 376 ~~candidates, officeholders, parties, committees, and judges]~~ the filing entity by postal mail or, if
 377 requested by the [~~candidate, officeholder, party, committee, or judge]~~ filing entity, by electronic
 378 mail:

379 (i) that the financial statement is due;

380 (ii) of the date that the financial statement is due; and

381 (iii) of the penalty for failing to file the financial statement.

382 [~~(iii) if the notification is sent to a judge in reference to the interim report due before~~
 383 ~~the regular general election, or to a candidate in reference to an interim report due before the~~
 384 ~~regular primary election, on August 31, or before the regular general election, that if the report~~
 385 ~~is not timely filed, voters will be informed that the candidate or judge has been disqualified and~~
 386 ~~any votes cast for the candidate or judge will not be counted;]~~

387 [~~(iv) if the notification is sent to a political party, political action committee, or~~
 388 ~~political issues committee in reference to an interim report or a verified financial statement,~~
 389 ~~that the entity may be guilty of a class B misdemeanor for failing to file the report or statement;~~
 390 ~~and]~~

391 [~~(v) if the notification is in reference to a summary report, that the candidate,~~
 392 ~~officeholder, party, committee, or judge may be guilty of a class B misdemeanor for failing to~~
 393 ~~file the report.]~~

394 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the
 395 [~~lieutenant governor]~~ chief election officer is not required to provide notice:

396 (i) to a candidate or political party of the financial statement that is due before the
 397 candidate's political convention; [~~or]~~

398 (ii) of a financial statement due in connection with a public hearing for an initiative
399 under the requirements of Section 20A-7-204.1[-]; or

400 [~~(c) Ten days before an interim or summary report from a local school board candidate~~
401 ~~is due under this chapter, the county clerk shall inform the candidate by postal mail or, if~~
402 ~~requested, by electronic mail.~~]

403 [~~(i) that the report is due;~~]

404 [~~(ii) the date that the report is due;~~]

405 [~~(iii) if the notification is in reference to an interim report due before the regular~~
406 ~~primary election, on August 31, or before the regular general election, that, if the report is not~~
407 ~~timely filed, voters will be informed that the candidate has been disqualified and any votes cast~~
408 ~~for the candidate will not be counted; and]~~

409 [~~(iv) if the notification is in reference to a summary report, that the candidate may be~~
410 ~~guilty of a class B misdemeanor for failing to file the report.]~~

411 [~~(2) Persons or entities submitting financial statements required by this chapter may~~
412 ~~submit them: (a) on paper, printed, typed, or legibly handwritten or hand printed; (b) on a~~
413 ~~computer disk according to specifications established by the chief election officer that protect~~
414 ~~against fraudulent filings and secure the accuracy of the information contained on the computer~~
415 ~~disk; (c) via fax; or]~~

416 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

417 [~~(d)~~] (2) A filing entity shall electronically file a financial statement via electronic mail
418 or the Internet[;] according to specifications established by the chief election officer.

419 (3) A financial statement is considered timely filed if[~~-(a)~~] it is received [in] by the
420 chief election officer's office [no later than 5:00 p.m.] before the close of regular office hours
421 on the date that it is due[;].

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

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

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

428 (a) make each campaign finance statement filed by a candidate available for public

429 inspection and copying no later than one business day after the statement is filed; and

430 (b) post an electronic copy or the contents of each [~~campaign finance~~] financial
431 statement in a searchable format on a website established by the lieutenant governor:

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

435 (ii) for a [~~campaign finance statement~~] summary report or interim report filed under the
436 requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than
437 [~~seven~~] three business days after the date the statement is [~~due~~] electronically filed.

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

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

443 **20A-11-203. State office candidate -- Financial reporting requirements --**
444 **Year-end summary report.**

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

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

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

453 (i) the net balance of the last [~~summary report~~] financial statement, if any;

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

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

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

460 (v) for each nonmonetary contribution:

461 (A) the fair market value of the contribution with that information provided by the
462 contributor; and

463 (B) a specific description of the contribution;

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

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

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

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

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

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

475 (d) A check or negotiable instrument received by a state office candidate or a state
476 office candidate's personal campaign committee on or before December 31 of the previous year
477 shall be included in the summary report.

478 (3) [~~The summary report shall contain a paragraph signed by an~~] An authorized
479 member of the state office candidate's personal campaign committee or [~~by~~] the state office
480 candidate [~~certifying~~] shall certify in the summary report that, to the best of the [~~signer's~~]
481 person's knowledge, all receipts and all expenditures have been reported as of December 31 of
482 the previous year and that there are no bills or obligations outstanding and unpaid except as set
483 forth in that report.

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

485 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
486 **reports.**

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

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

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

- 491 (c) August 31; and
492 (d) seven days before the regular general election date.
493 (2) Each interim report shall include the following information:
494 (a) the net balance of the last summary report, if any;
495 (b) a single figure equal to the total amount of receipts reported on all prior interim
496 reports, if any, during the calendar year in which the interim report is due;
497 (c) a single figure equal to the total amount of expenditures reported on all prior
498 interim reports, if any, filed during the calendar year in which the interim report is due;
499 (d) a detailed listing of each contribution and public service assistance received since
500 the last summary report that has not been reported in detail on a prior interim report;
501 (e) for each nonmonetary contribution:
502 (i) the fair market value of the contribution with that information provided by the
503 contributor; and
504 (ii) a specific description of the contribution;
505 (f) a detailed listing of each expenditure made since the last summary report that has
506 not been reported in detail on a prior interim report;
507 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
508 (h) a net balance for the year consisting of the net balance from the last summary
509 report, if any, plus all receipts since the last summary report minus all expenditures since the
510 last summary report; and
511 (i) a summary page in the form required by the lieutenant governor that identifies:
512 (i) beginning balance;
513 (ii) total contributions during the period since the last statement;
514 (iii) total contributions to date;
515 (iv) total expenditures during the period since the last statement; and
516 (v) total expenditures to date.
517 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
518 single aggregate figure may be reported without separate detailed listings.
519 (b) Two or more contributions from the same source that have an aggregate total of
520 more than \$50 may not be reported in the aggregate, but shall be reported separately.
521 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported

522 as of five days before the required filing date of the report.

523 (b) Any negotiable instrument or check received by a state office candidate more than
524 five days before the required filing date of a report required by this section shall be [~~negotiated~~
525 ~~and~~] included in the interim report.

526 Section 5. Section **20A-11-206** is amended to read:

527 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

528 (1) (a) If a state office candidate fails to file an interim report due before the regular
529 primary election, on August 31, or before the regular general election, the lieutenant governor
530 shall, after making a reasonable attempt to discover if the report was timely [~~mailed~~] filed,
531 inform the county clerk and other appropriate election officials who:

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

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

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

538 (b) Any state office candidate who fails to file timely a financial statement required by
539 Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in
540 Section 20A-1-501.

541 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
542 disqualified if:

543 (i) the candidate files the reports required by this section no later than the due date;

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

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

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

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

552 and

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

554 (b) If it appears that any state office candidate has failed to file the summary report
555 required by law, if it appears that a filed summary report does not conform to the law, or if the
556 lieutenant governor has received a written complaint alleging a violation of the law or the
557 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
558 violation or receipt of a written complaint, notify the state office candidate of the violation or
559 written complaint and direct the state office candidate to file a summary report correcting the
560 problem.

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

563 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
564 misdemeanor.

565 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
566 attorney general.

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

568 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
569 **Year-end summary report.**

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

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

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

578 (i) the net balance of the last [~~summary report~~] financial statement, if any;

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

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

583 (iv) a detailed listing of each receipt, contribution, and public service assistance since

584 the last summary report that has not been reported in detail on an interim report;

585 (v) for each nonmonetary contribution:

586 (A) the fair market value of the contribution with that information provided by the
587 contributor; and

588 (B) a specific description of the contribution;

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

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

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

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

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

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

600 (d) A check or negotiable instrument received by a legislative office candidate on or
601 before December 31 of the previous year shall be included in the summary report.

602 (3) [~~The summary report shall contain a paragraph signed by the~~] The legislative office
603 candidate [certifying] shall certify in the summary report that to the best of the candidate's
604 knowledge, all receipts and all expenditures have been reported as of December 31 of the
605 previous year and that there are no bills or obligations outstanding and unpaid except as set
606 forth in that report.

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

608 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
609 **Interim reports.**

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

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

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

614 (c) August 31; and

- 615 (d) seven days before the regular general election date.
- 616 (2) Each interim report shall include the following information:
- 617 (a) the net balance of the last summary report, if any;
- 618 (b) a single figure equal to the total amount of receipts reported on all prior interim
619 reports, if any, during the calendar year in which the interim report is due;
- 620 (c) a single figure equal to the total amount of expenditures reported on all prior
621 interim reports, if any, filed during the calendar year in which the interim report is due;
- 622 (d) a detailed listing of each contribution and public service assistance received since
623 the last summary report that has not been reported in detail on a prior interim report;
- 624 (e) for each nonmonetary contribution:
- 625 (i) the fair market value of the contribution with that information provided by the
626 contributor; and
- 627 (ii) a specific description of the contribution;
- 628 (f) a detailed listing of each expenditure made since the last summary report that has
629 not been reported in detail on a prior interim report;
- 630 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 631 (h) a net balance for the year consisting of the net balance from the last summary
632 report, if any, plus all receipts since the last summary report minus all expenditures since the
633 last summary report; and
- 634 (i) a summary page in the form required by the lieutenant governor that identifies:
- 635 (i) beginning balance;
- 636 (ii) total contributions during the period since the last statement;
- 637 (iii) total contributions to date;
- 638 (iv) total expenditures during the period since the last statement; and
- 639 (v) total expenditures to date.
- 640 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
641 single aggregate figure may be reported without separate detailed listings.
- 642 (b) Two or more contributions from the same source that have an aggregate total of
643 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 644 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
645 as of five days before the required filing date of the report.

646 (b) Any negotiable instrument or check received by a legislative office candidate more
647 than five days before the required filing date of a report required by this section shall be
648 [~~negotiated and~~] included in the interim report.

649 Section 8. Section **20A-11-305** is amended to read:

650 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

651 (1) (a) If a legislative office candidate fails to file an interim report due before the
652 regular primary election, on August 31, or before the regular general election, the lieutenant
653 governor shall, after making a reasonable attempt to discover if the report was timely [~~mailed~~
654 filed], inform the county clerk and other appropriate election officials who:

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

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

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

661 (b) Any legislative office candidate who fails to file timely a financial statement
662 required by Section 20A-11-303 is disqualified and the vacancy on the ballot may be filled as
663 provided in Section 20A-1-501.

664 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
665 disqualified if:

666 (i) the candidate files the reports required by this section no later than the due date;

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

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

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

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

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

677 (b) If it appears that any legislative office candidate has failed to file the summary
678 report required by law, if it appears that a filed summary report does not conform to the law, or
679 if the lieutenant governor has received a written complaint alleging a violation of the law or the
680 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
681 violation or receipt of a written complaint, notify the legislative office candidate of the
682 violation or written complaint and direct the legislative office candidate to file a summary
683 report correcting the problem.

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

687 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
688 class B misdemeanor.

689 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
690 attorney general.

691 Section 9. Section **20A-11-507** is amended to read:

692 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

693 (1) The party committee of each registered political party shall file an interim report at
694 the following times in any year in which there is a regular general election:

695 (a) seven days before the registered political party's political convention;

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

697 [~~(a)~~] (c) August 31; and

698 [~~(b)~~] (d) seven days before the general election date.

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

700 (a) the net balance of the last [~~summary report~~] financial statement, if any;

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

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

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

707 (e) for each nonmonetary contribution, the fair market value of the contribution;

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

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

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

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

715 (i) beginning balance;

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

717 (iii) total contributions to date;

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

719 (v) total expenditures to date.

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

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

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

726 Section 10. Section **20A-11-508** is amended to read:

727 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

728 (1) (a) Each registered political party that fails to file the interim reports due before the
729 regular primary election, on August 31, or before the regular general election is an interim
730 report by the due date is guilty of a class B misdemeanor.

731 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
732 attorney general.

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

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

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

737 (3) If it appears that any political party has failed to file a report required by law, if it
738 appears that a filed report does not conform to the law, or if the lieutenant governor has

739 received a written complaint alleging a violation of the law or the falsity of any report, the
740 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
741 complaint, notify the political party of the violation or written complaint and direct the political
742 party to file a summary report correcting the problem.

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

745 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
746 misdemeanor.

747 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
748 attorney general.

749 Section 11. Section **20A-11-602** is amended to read:

750 **20A-11-602. Political action committees -- Financial reporting.**

751 (1) (a) Each registered political action committee that has received contributions
752 totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year
753 shall file a verified financial statement with the lieutenant governor's office ~~[on]~~:

754 (i) on January 10, reporting contributions and expenditures as of December 31 of the
755 previous year;

756 (ii) seven days before the regular primary election date;

757 ~~[(ii)]~~ (iii) on August 31; and

758 ~~[(iii)]~~ (iv) seven days before the regular general election date.

759 (b) The registered political action committee shall report:

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

762 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
763 Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the
764 required filing date of the financial statement.

765 (c) The registered political action committee need not file a statement under this
766 section if it received no contributions and made no expenditures during the reporting period.

767 (2) (a) The verified financial statement shall include:

768 (i) the name~~[-]~~ and address~~[-, and occupation]~~ of any individual that makes a
769 contribution to the reporting political action committee, and the amount of the contribution;

770 (ii) the identification of any publicly identified class of individuals that makes a
771 contribution to the reporting political action committee, and the amount of the contribution;

772 (iii) the name and address of any political action committee, group, or entity that makes
773 a contribution to the reporting political action committee, and the amount of the contribution;

774 (iv) for each nonmonetary contribution, the fair market value of the contribution;

775 (v) the name and address of each reporting entity that received an expenditure from the
776 reporting political action committee, and the amount of each expenditure;

777 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

778 (vii) the total amount of contributions received and expenditures disbursed by the
779 reporting political action committee;

780 (viii) a ~~[paragraph signed]~~ statement by the political action committee's treasurer or
781 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
782 knowledge, the financial report is accurate; and

783 (ix) a summary page in the form required by the lieutenant governor that identifies:

784 (A) beginning balance;

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

786 (C) total contributions to date;

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

788 (E) total expenditures to date.

789 (b) (i) Contributions received by a political action committee that have a value of \$50
790 or less need not be reported individually, but shall be listed on the report as an aggregate total.

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

793 (3) A group or entity may not divide or separate into units, sections, or smaller groups
794 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
795 shall prevail over form in determining the scope or size of a political action committee.

796 Section 12. Section **20A-11-603** is amended to read:

797 **20A-11-603. Criminal penalties -- Fines.**

798 (1) (a) Each political action committee that fails to file the financial statement due
799 before the regular primary election, on August 31, or before the regular general session is guilty
800 of a class B misdemeanor.

801 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
802 attorney general.

803 (2) Within 30 days after a deadline for the filing of the January 10 statement required
804 by this part, the lieutenant governor shall review each filed statement to ensure that:

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

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

807 (3) If it appears that any political action committee has failed to file the January 10
808 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
809 governor has received a written complaint alleging a violation of the law or the falsity of any
810 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
811 of a written complaint, notify the political action committee of the violation or written
812 complaint and direct the political action committee to file a statement correcting the problem.

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

815 (b) Each political action committee who violates Subsection (4)(a) is guilty of a class B
816 misdemeanor.

817 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
818 attorney general.

819 Section 13. Section **20A-11-701** is amended to read:

820 **20A-11-701. Campaign financial reporting of candidate campaign contributions**
821 **by corporations -- Filing requirements -- Statement contents.**

822 (1) (a) Each corporation that has made expenditures for political purposes that total at
823 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
824 governor's office ~~on~~:

825 (i) on January 10, reporting expenditures as of December 31 of the previous year;

826 (ii) seven days before the regular primary election date;

827 ~~[(ii)]~~ (iii) on August 31; and

828 ~~[(iii)]~~ (iv) seven days before the regular general election date.

829 (b) The corporation shall report:

830 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~

831 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under

832 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing
 833 date of the financial statement[-]; and

834 (iii) whether the corporation, including an officer, director, spouse, or person with at
 835 least 10% ownership in the corporation:

836 (A) has bid since the last financial statement on a contract, as defined in Section
 837 63G-6-103, in excess of \$100,000;

838 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
 839 \$100,000; or

840 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.

841 (c) The corporation need not file a statement under this section if it made no
 842 expenditures during the reporting period.

843 (2) That statement shall include:

844 (a) the name and address of each reporting entity that received an expenditure from the
 845 corporation, and the amount of each expenditure;

846 (b) the total amount of expenditures disbursed by the corporation; and

847 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
 848 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
 849 financial report.

850 Section 14. Section **20A-11-702** is amended to read:

851 **20A-11-702. Campaign financial reporting of political issues expenditures by**
 852 **corporations -- Financial reporting.**

853 (1) (a) Each corporation that has made political issues expenditures on current or
 854 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
 855 financial statement with the lieutenant governor's office ~~[on]~~:

856 (i) on January 10, reporting expenditures as of December 31 of the previous year;

857 (ii) seven days before the regular primary election date;

858 ~~[(ii)]~~ (iii) on August 31; and

859 ~~[(iii)]~~ (iv) seven days before the regular general election date.

860 (b) The corporation shall report:

861 (i) a detailed listing of all expenditures made since the last statement; and

862 (ii) for financial statements ~~[filed on August 31 and before the primary and general~~

863 ~~elections]~~ under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the
864 required filing date of the financial statement.

865 (c) The corporation need not file a statement under this section if it made no
866 expenditures during the reporting period.

867 (2) That statement shall include:

868 (a) the name and address of each individual, entity, or group of individuals or entities
869 that received a political issues expenditure of more than \$50 from the corporation, and the
870 amount of each political issues expenditure;

871 (b) the total amount of political issues expenditures disbursed by the corporation; and

872 (c) ~~[a paragraph signed]~~ a statement by the corporation's treasurer or chief financial
873 officer ~~[verifying]~~ certifying the accuracy of the verified financial statement.

874 Section 15. Section **20A-11-802** is amended to read:

875 **20A-11-802. Political issues committees -- Financial reporting.**

876 (1) (a) Each registered political issues committee that has received political issues
877 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
878 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
879 governor's office:

880 (i) on January 10, reporting contributions and expenditures as of December 31 of the
881 previous year;

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

884 (iii) at least three days before the first public hearing held as required by Section
885 20A-7-204.1;

886 (iv) if the political issues committee has received or expended funds in relation to an
887 initiative or referendum, at the time the initiative or referendum sponsors submit:

888 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

889 (B) the signed and verified referendum packets as required by Section 20A-7-306;

890 (v) on August 31; and

891 (vi) seven days before the regular general election.

892 (b) The political issues committee shall report:

893 (i) a detailed listing of all contributions received and expenditures made since the last

894 statement; and

895 (ii) for financial statements filed on August 31 and before the general election, all
896 contributions and expenditures as of three days before the required filing date of the financial
897 statement.

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

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

901 (i) the name[;] and address[; ~~and occupation~~] of any individual that makes a political
902 issues contribution to the reporting political issues committee, and the amount of the political
903 issues contribution;

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

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

910 (iv) the name and address of each reporting entity that makes a political issues
911 contribution to the reporting political issues committee, and the amount of the political issues
912 contribution;

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

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

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

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

921 (ix) ~~[a paragraph signed]~~ a statement by the political issues committee's treasurer or
922 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
923 knowledge, the financial statement is accurate; and

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

- 925 (A) beginning balance;
- 926 (B) total contributions during the period since the last statement;
- 927 (C) total contributions to date;
- 928 (D) total expenditures during the period since the last statement; and
- 929 (E) total expenditures to date.

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

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

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

- 938 (i) need only report the amount paid to each initiative petition circulator; and
- 939 (ii) need not report the name or address of the circulator.

940 Section 16. Section **20A-11-901** is amended to read:

941 **20A-11-901. Political advertisements -- Requirement that ads designate**
942 **responsibility and authorization -- Unauthorized use of endorsements.**

943 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
944 advertisement expressly advocating the election or defeat of a clearly identified candidate, or
945 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
946 advertising facility, direct mailing, or any other type of general public political advertising, the
947 advertisement:

948 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
949 shall clearly state that the advertisement has been paid for by the candidate or the campaign
950 committee;

951 (ii) if paid for by another person but authorized by a candidate or the candidate's
952 campaign committee, shall clearly state who paid for the advertisement and that the candidate
953 or the campaign committee authorized the advertisement; or

954 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the
955 name of the person who paid for the advertisement and state that the advertisement is not

956 authorized by any candidate or candidate's committee.

957 (b) The requirements of Subsection (1)(a) do not apply to:

958 (i) lawn signs with dimensions of four by eight feet or smaller;

959 (ii) bumper stickers;

960 (iii) campaign pins, buttons, and pens; and

961 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

962 (2) (a) A person who pays for an electioneering communication shall file a report with

963 the lieutenant governor within 24 hours of making the payment or entering into a contract to

964 make the payment.

965 (b) The report shall include:

966 (i) the name and street address of the person described in Subsection (2)(a);

967 (ii) the name and address of each person contributing at least \$100 to the person

968 described in Subsection (2)(a) for the purpose of disseminating the electioneering

969 communication;

970 (iii) the amount spent on the electioneering communication;

971 (iv) the name of the identified referenced candidate; and

972 (v) the medium used to disseminate the electioneering communication.

973 [~~2~~] (3) A person may not, in order to promote the success of any candidate for

974 nomination or election to any public office, or in connection with any question submitted to the

975 voters, include or cause to be included the name of any person as endorser or supporter in any

976 political advertisement, circular, poster, or publication without the express consent of that

977 person.

978 [~~3~~] (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of

979 any newspaper or other periodical to induce him to advocate or oppose editorially any

980 candidate for nomination or election.

981 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to

982 advocate or oppose editorially any candidate for nomination or election.

983 Section 17. Section **20A-11-904** is enacted to read:

984 **20A-11-904. Contribution given in another's name prohibited.**

985 A person may not:

986 (1) make a contribution in the name of another;

- 987 (2) knowingly permit another to make a contribution in the person's name; or
988 (3) knowingly accept a contribution made by one person in the name of another.

989 Section 18. Section **20A-11-1001** is amended to read:

990 **20A-11-1001. Electronic form prepared by chief election officer.**

991 The chief election officer shall:

992 (1) develop and prepare [~~forms for all~~] an electronic form for all financial statements
993 required by this chapter; and

994 (2) provide [~~copies of the forms~~] access to the electronic form to the secretary of every
995 committee, to every candidate, and to all others who request them.

996 Section 19. Section **20A-11-1002** is amended to read:

997 **20A-11-1002. Retention and public inspection of financial statements -- Written**
998 **complaint if statement is false or unlawful.**

999 (1) The chief election officer shall:

1000 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1001 Judicial Retention Elections:

1002 (i) open to public inspection in the office of the chief election officer; and

1003 (ii) available for viewing on the Internet [~~at the lieutenant governor's website within~~
1004 ~~seven calendar days after the report is received by the chief election officer~~] in accordance with

1005 Section 20A-11-103;

1006 (b) preserve those statements for at least five years; and

1007 (c) provide certified copies of the financial statements in the same manner as for other
1008 public records.

1009 (2) Any candidate or voter may file a written complaint with the chief election officer
1010 alleging that a filed financial statement does not conform to law or to the truth.

1011 Section 20. Section **20A-11-1301** is amended to read:

1012 **20A-11-1301. School board office candidate -- Campaign requirements.**

1013 (1) Each school board office candidate shall deposit each contribution and public
1014 service assistance received in one or more separate accounts in a financial institution that are
1015 dedicated only to that purpose.

1016 (2) A school board office candidate may not deposit or mingle any contributions or
1017 public service assistance received into a personal or business account.

1018 (3) A school board office candidate may not make any political expenditures prohibited
1019 by law.

1020 (4) If a person who is no longer a school board candidate chooses not to expend the
1021 monies remaining in a campaign account, the person shall continue to file the year-end
1022 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1023 summary report required by Section 20A-11-1304 are filed with:

1024 (a) the lieutenant governor in the case of a state school board candidate; and

1025 (b) the county clerk, in the case of a local school board candidate.

1026 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1027 is no longer a school board candidate may not expend or transfer the monies in a campaign
1028 account in a manner that would cause the former school board candidate to recognize the
1029 monies as taxable income under federal tax law.

1030 (b) A person who is no longer a school board candidate may transfer the monies in a
1031 campaign account in a manner that would cause the former school board candidate to recognize
1032 the monies as taxable income under federal tax law if the transfer is made to a campaign
1033 account for federal office.

1034 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1035 (i) for a cash contribution, that the cash is given to a [legislative] school board office
1036 candidate or a member of the candidate's personal campaign committee;

1037 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1038 instrument or check is negotiated; and

1039 (iii) for any other type of contribution, that any portion of the contribution's benefit
1040 inures to the [legislative] school board office candidate.

1041 (b) Each school board office candidate shall report to the chief election officer each
1042 contribution and public service assistance [~~to the lieutenant governor~~] within 30 days after the
1043 contribution or public service assistance is received.

1044 Section 21. Section **20A-11-1302** is amended to read:

1045 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1046 **-- Year-end summary report.**

1047 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1048 the year after the regular general election year.

1049 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the
1050 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
1051 statement of dissolution and final summary report required under Section 20A-11-1304 shall
1052 continue to file a summary report on January 10 of each year.

1053 (2) (a) Each summary report shall include the following information as of December 31
1054 of the previous year:

1055 (i) the net balance of the last [~~summary report~~] financial statement, if any;

1056 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1057 if any, during the previous year;

1058 (iii) a single figure equal to the total amount of expenditures reported on all interim
1059 reports, if any, filed during the previous year;

1060 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1061 the last summary report that has not been reported in detail on an interim report;

1062 (v) for each nonmonetary contribution:

1063 (A) the fair market value of the contribution with that information provided by the
1064 contributor; and

1065 (B) a specific description of the contribution;

1066 (vi) a detailed listing of each expenditure made since the last summary report that has
1067 not been reported in detail on an interim report;

1068 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1069 (viii) a net balance for the year consisting of the net balance from the last summary
1070 report, if any, plus all receipts minus all expenditures.

1071 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1072 single aggregate figure may be reported without separate detailed listings.

1073 (ii) Two or more contributions from the same source that have an aggregate total of
1074 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1075 (c) In preparing the report, all receipts and expenditures shall be reported as of
1076 December 31 of the previous year.

1077 (d) A check or negotiable instrument received by a school board office candidate on or
1078 before December 31 of the previous year shall be included in the summary report.

1079 (3) [~~The summary report shall contain a paragraph signed by the~~] The school board

1080 office candidate [~~certifying~~] shall certify in the summary report that, to the best of the school
1081 board office candidate's knowledge, all receipts and all expenditures have been reported as of
1082 December 31 of the previous year and that there are no bills or obligations outstanding and
1083 unpaid except as set forth in that report.

1084 Section 22. Section **20A-11-1303** is amended to read:

1085 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1086 **-- Interim reports.**

1087 (1) Each school board office candidate shall file an interim report at the following
1088 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 1089 (a) May 15, for state school board office candidates;
- 1090 (b) seven days before the regular primary election date;
- 1091 (c) August 31; and
- 1092 (d) seven days before the regular general election date.

1093 (2) Each interim report shall include the following information:

- 1094 (a) the net balance of the last summary report, if any;
- 1095 (b) a single figure equal to the total amount of receipts reported on all prior interim
1096 reports, if any, during the calendar year in which the interim report is due;
- 1097 (c) a single figure equal to the total amount of expenditures reported on all prior
1098 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1099 (d) a detailed listing of each contribution and public service assistance received since
1100 the last summary report that has not been reported in detail on a prior interim report;
- 1101 (e) for each nonmonetary contribution:
 - 1102 (i) the fair market value of the contribution with that information provided by the
1103 contributor; and
 - 1104 (ii) a specific description of the contribution;
- 1105 (f) a detailed listing of each expenditure made since the last summary report that has
1106 not been reported in detail on a prior interim report;
- 1107 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1108 (h) a net balance for the year consisting of the net balance from the last summary
1109 report, if any, plus all receipts since the last summary report minus all expenditures since the
1110 last summary report; and

- 1111 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1112 (i) beginning balance;
- 1113 (ii) total contributions during the period since the last statement;
- 1114 (iii) total contributions to date;
- 1115 (iv) total expenditures during the period since the last statement; and
- 1116 (v) total expenditures to date.

1117 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
1118 single aggregate figure may be reported without separate detailed listings.

1119 (b) Two or more contributions from the same source that have an aggregate total of
1120 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1121 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1122 as of five days before the required filing date of the report.

1123 (b) Any negotiable instrument or check received by a school board office candidate
1124 more than five days before the required filing date of a report required by this section shall be
1125 ~~[negotiated and]~~ included in the interim report.

1126 Section 23. Section **20A-11-1305** is amended to read:

1127 **20A-11-1305. School board office candidate -- Failure to file statement --**
1128 **Penalties.**

1129 (1) (a) If a school board office candidate fails to file an interim report due before the
1130 regular primary election, on August 31, and before the regular general election, the chief
1131 election officer shall, after making a reasonable attempt to discover if the report was timely
1132 ~~[mailed]~~ filed, inform the county clerk and other appropriate election officials who:

1133 (i) shall, if practicable, remove the name of the candidate by blacking out the
1134 candidate's name before the ballots are delivered to voters; or

1135 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
1136 the voters by any practicable method that the candidate has been disqualified and that votes
1137 cast for candidate will not be counted; and

1138 (iii) may not count any votes for that candidate.

1139 (b) Any school board office candidate who fails to file timely a financial statement
1140 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
1141 Section 20A-1-501.

1142 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
1143 not disqualified if:

1144 (i) the candidate files the reports required by this section;

1145 (ii) those reports are completed, detailing accurately and completely the information
1146 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1147 and

1148 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
1149 the next scheduled report.

1150 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1151 for state school board, the lieutenant governor shall review each filed summary report to ensure
1152 that:

1153 (i) each state school board candidate that is required to file a summary report has filed
1154 one; and

1155 (ii) each summary report contains the information required by this part.

1156 (b) If it appears that any state school board candidate has failed to file the summary
1157 report required by law, if it appears that a filed summary report does not conform to the law, or
1158 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1159 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1160 violation or receipt of a written complaint, notify the state school board candidate of the
1161 violation or written complaint and direct the state school board candidate to file a summary
1162 report correcting the problem.

1163 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1164 summary report within 14 days after receiving notice from the lieutenant governor under this
1165 section.

1166 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1167 class B misdemeanor.

1168 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1169 attorney general.

1170 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1171 clerk shall review each filed summary report to ensure that:

1172 (i) each local school board candidate that is required to file a summary report has filed

1173 one; and

1174 (ii) each summary report contains the information required by this part.

1175 (b) If it appears that any local school board candidate has failed to file the summary
1176 report required by law, if it appears that a filed summary report does not conform to the law, or
1177 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1178 of any summary report, the county clerk shall, within five days of discovery of a violation or
1179 receipt of a written complaint, notify the local school board candidate of the violation or
1180 written complaint and direct the local school board candidate to file a summary report
1181 correcting the problem.

1182 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1183 summary report within 14 days after receiving notice from the county clerk under this section.

1184 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1185 class B misdemeanor.

1186 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1187 county attorney.

1188 Section 24. Section **20A-11-1501** is enacted to read:

1189 **Part 15. Labor Organizations**

1190 **20A-11-1501. Definitions.**

1191 As used in this part:

1192 (1) "Labor organization" means a lawful organization of any kind that is composed, in
1193 whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
1194 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
1195 employment, or other terms and conditions of employment.

1196 (2) "Labor organization" includes an employee association and union for employees of
1197 public and private sector employers.

1198 Section 25. Section **20A-11-1502** is enacted to read:

1199 **20A-11-1502. Campaign financial reporting of contributions -- Filing**
1200 **requirements -- Statement contents.**

1201 (1) (a) Each labor organization that has made expenditures for political purposes or
1202 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1203 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1204 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1205 (ii) seven days before the regular primary election date;

1206 (iii) on August 31; and

1207 (iv) seven days before the regular general election date.

1208 (b) The labor organization shall report:

1209 (i) a detailed listing of all expenditures made since the last statement; and

1210 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1211 expenditures as of five days before the required filing date of the financial statement.

1212 (c) The labor organization need not file a statement under this section if it made no
1213 expenditures during the reporting period.

1214 (2) That statement shall include:

1215 (a) the name and address of each reporting entity that received an expenditure or
1216 political issues expenditure of more than \$50 from the labor organization, and the amount of
1217 each expenditure or political issues expenditure;

1218 (b) the total amount of expenditures disbursed by the labor organization; and

1219 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1220 the accuracy of the financial report.

1221 Section 26. Section **20A-11-1503** is enacted to read:

1222 **20A-11-1503. Criminal penalties -- Fines.**

1223 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1224 the lieutenant governor shall review each filed statement to ensure that:

1225 (a) each labor organization that is required to file a statement has filed one; and

1226 (b) each statement contains the information required by this part.

1227 (2) If it appears that any labor organization has failed to file any statement, if it appears
1228 that a filed statement does not conform to the law, or if the lieutenant governor has received a
1229 written complaint alleging a violation of the law or the falsity of any statement, the lieutenant
1230 governor shall within five days of discovery of a violation or receipt of a written complaint,
1231 notify the labor organization of the violation or written complaint and direct the labor
1232 organization to file a statement correcting the problem.

1233 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement
1234 within 14 days after receiving notice from the lieutenant governor under this section.

1235 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
1236 misdemeanor.

1237 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1238 attorney general.

1239 Section 27. Section **20A-12-303** is amended to read:

1240 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1241 (1) The judge or the judge's personal campaign committee shall deposit each
1242 contribution in one or more separate personal campaign accounts in a financial institution.

1243 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1244 any contributions received into a personal or business account.

1245 (3) (a) As used in this Subsection (3), "received" means:

1246 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1247 campaign committee;

1248 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1249 instrument or check is negotiated; and

1250 (iii) for any other type of contribution, that any portion of the contribution's benefit
1251 inures to the judge.

1252 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1253 governor each contribution within 30 days after the contribution is received.

1254 Section 28. Section **20A-12-304** is amended to read:

1255 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1256 **requirements -- Year-end summary report.**

1257 (1) The judge's personal campaign committee shall file a summary report with the
1258 lieutenant governor by January 10 of the year after the regular general election year.

1259 (2) (a) Each summary report shall include the following information as of December 31
1260 of the last regular general election year:

1261 (i) a single figure equal to the total amount of contributions reported on the interim
1262 report;

1263 (ii) a single figure equal to the total amount of expenditures reported on the interim
1264 report;

1265 (iii) a detailed listing of each contribution received since the last summary report that

1266 has not been reported in detail on the interim report;

1267 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1268 (v) a detailed listing of each expenditure made since the last summary report that has
1269 not been reported in detail on the interim report;

1270 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1271 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1272 (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported
1273 without a separate detailed listing.

1274 (ii) Two or more contributions from the same source for a total of more than \$50 may
1275 not be reported in the aggregate, but shall be reported in the detailed listing.

1276 (c) A check or negotiable instrument received by a judge or the judge's personal
1277 campaign committee on or before December 31 of the previous year shall be reported in the
1278 summary report.

1279 (3) [~~The summary report shall contain a statement signed by the~~] The judge [certifying]
1280 shall certify in the summary report that, to the best of the judge's knowledge, all contributions
1281 and all expenditures have been reported as of December 31 of the last regular general election
1282 year and that there are no financial obligations outstanding except as set forth in the report.

1283 Section 29. Section **20A-12-305** is amended to read:

1284 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1285 **requirements -- Interim report.**

1286 (1) The judge's personal campaign committee shall file an interim report with the
1287 lieutenant governor [~~no later than 5 p.m.~~] before the close of normal office hours on the date
1288 seven days before the regular general election date.

1289 (2) Each interim report shall include the following information:

1290 (a) a detailed listing of each contribution received since the last [~~summary report~~]
1291 financial statement;

1292 (b) for each nonmonetary contribution, the fair market value of the contribution;

1293 (c) a detailed listing of each expenditure made since the last summary report;

1294 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1295 (e) a net balance for the year consisting of all contributions since the last summary
1296 report minus all expenditures since the last summary report.

1297 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
1298 reported without separate detailed listings.

1299 (b) Two or more contributions from the same source that have an aggregate total of
1300 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1301 (4) In preparing each interim report, all contributions and expenditures shall be
1302 reported as of five days before the required filing date of the report.

1303 (5) A negotiable instrument or check received by a judge or the judge's personal
1304 campaign committee more than five days before the required filing date of a report required by
1305 this section shall be included in the interim report.

1306 Section 30. Section **20A-12-306** is amended to read:

1307 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1308 (1) (a) If a judge's personal campaign committee fails to file the interim report due
1309 before the regular general election, the lieutenant governor shall, after making a reasonable
1310 attempt to discover if the report was timely [~~mailed~~] filed, inform the county clerk and other
1311 appropriate election officials who:

1312 (i) shall, if practicable, remove the name of the judge by blacking out the judge's name
1313 before the ballots are delivered to voters; or

1314 (ii) shall, if removing the judge's name from the ballot is not practicable, inform the
1315 voters by any practicable method that the judge has been disqualified and that votes cast for the
1316 judge will not be counted; and

1317 (iii) may not count any votes for that judge.

1318 (b) Any judge who fails to file timely a financial statement required by this part is
1319 disqualified.

1320 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:

1321 (i) the candidate files the reports required by this section;

1322 (ii) those reports are completed, detailing accurately and completely the information
1323 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1324 and

1325 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
1326 the next scheduled report.

1327 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant

1328 governor shall review each filed summary report to ensure that:

1329 (i) each judge that is required to file a summary report has filed one; and

1330 (ii) each summary report contains the information required by this part.

1331 (b) If it appears that any judge has failed to file the summary report required by law, if

1332 it appears that a filed summary report does not conform to the law, or if the lieutenant governor

1333 has received a written complaint alleging a violation of the law or the falsity of any summary

1334 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a

1335 written complaint, notify the judge of the violation or written complaint and direct the judge to

1336 file a summary report correcting the problem.

1337 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14

1338 days after receiving notice from the lieutenant governor under this section.

1339 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1340 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the

1341 attorney general.

1342 Section 31. **Effective date.**

1343 This bill takes effect on January 1, 2011.

H.B. 329 6th Sub. (Ivory) - Campaign Finance Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Provisions of this bill will require a one-time FY 2011 General Fund appropriation of \$140,000 for computer programming.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund, One-Time	\$0	\$140,000	\$0	\$0	\$0	\$0
Total	\$0	\$140,000	\$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.