

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;
- ▶ imposes a fine for failure to file a timely financial statement; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

30 **Other Special Clauses:**

31 This bill takes effect on January 1, 2011.

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361

35 **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49

36 **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361

37 **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361

38 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202

39 **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361

40 **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361

41 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202

42 **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355

43 **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14

44 **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14

45 **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49

46 **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14

47 **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14

48 **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14

49 **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355

50 **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49

51 **20A-11-901**, as enacted by Laws of Utah 1995, Chapter 1

52 **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355

53 **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317

54 **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361

55 **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361

56 **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361

57 **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14

- 58 **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166
- 59 **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14
- 60 **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166
- 61 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

62 ENACTS:

- 63 **20A-11-904**, Utah Code Annotated 1953
- 64 **20A-11-1005**, Utah Code Annotated 1953
- 65 **20A-11-1501**, Utah Code Annotated 1953
- 66 **20A-11-1502**, Utah Code Annotated 1953
- 67 **20A-11-1503**, Utah Code Annotated 1953



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

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

71 **20A-11-101. Definitions.**

72 As used in this chapter:

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

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

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

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

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

83 (4) "Chief election officer" means:

84 (a) the lieutenant governor for state office candidates, legislative office candidates,
85 officeholders, political parties, political action committees, corporations, political issues

86 committees, ~~and~~ state school board candidates, judges, and labor organizations, as defined in
87 Section 20A-11-1501; and

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

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

92 ~~[(6)]~~ (5) (a) "Contribution" means any of the following when done for political
93 purposes:

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

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

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

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

103 (v) remuneration from:

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

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

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

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

111 (b) "Contribution" does not include:

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

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

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

119 [~~(7)~~] (6) "Coordinated with" means that goods or services provided for the benefit of a
120 candidate or political party are provided:

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

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

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

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

127 [~~(8)~~] (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
128 organization that is registered as a corporation or is authorized to do business in a state and
129 makes any expenditure from corporate funds for:

130 (i) the purpose of expressly advocating for political purposes; or

131 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
132 proposition.

133 (b) "Corporation" does not mean:

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

135 or

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

137 [~~(9)~~] (8) "Detailed listing" means:

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

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

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

- 142 (iii) the date the contribution or public service assistance was made; and
- 143 (b) for each expenditure:
 - 144 (i) the amount of the expenditure;
 - 145 (ii) the person or entity to whom it was disbursed;
 - 146 (iii) the specific purpose, item, or service acquired by the expenditure; and
 - 147 (iv) the date the expenditure was made.
- 148 ~~[(10)]~~ (9) "Election" means each:
 - 149 (a) regular general election;
 - 150 (b) regular primary election; and
 - 151 (c) special election at which candidates are eliminated and selected.
- 152 (10) "Electioneering communication" means a communication that:
 - 153 (a) has at least a value of \$10,000;
 - 154 (b) clearly identifies a candidate or judge; and
 - 155 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
156 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
157 identified candidate's or judge's election date.
- 158 (11) (a) "Expenditure" means:
 - 159 (i) any disbursement from contributions, receipts, or from the separate bank account
160 required by this chapter;
 - 161 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
162 or anything of value made for political purposes;
 - 163 (iii) an express, legally enforceable contract, promise, or agreement to make any
164 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything
165 of value for political purposes;
 - 166 (iv) compensation paid by ~~[a corporation or]~~ a filing entity for personal services
167 rendered by a person without charge to a reporting entity;
 - 168 (v) a transfer of funds between the filing entity and a candidate's personal campaign
169 committee; or

- 170 (vi) goods or services provided by the filing entity to or for the benefit of another
171 reporting entity for political purposes at less than fair market value.
- 172 (b) "Expenditure" does not include:
- 173 (i) services provided without compensation by individuals volunteering a portion or all
174 of their time on behalf of a reporting entity;
- 175 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
176 business; or
- 177 (iii) anything listed in Subsection (11)(a) that is given by [~~a corporation or~~] a reporting
178 entity to candidates for office or officeholders in states other than Utah.
- 179 (12) "Filing entity" means the reporting entity that is [~~filing~~] required to file a
180 financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 181 (13) "Financial statement" includes any summary report, interim report, verified
182 financial statement, or other statement disclosing contributions, expenditures, receipts,
183 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
184 Retention Elections.
- 185 (14) "Governing board" means the individual or group of individuals that determine
186 the candidates and committees that will receive expenditures from a political action
187 committee, political party, or corporation.
- 188 (15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
189 Incorporation, by which a geographical area becomes legally recognized as a city or town.
- 190 (16) "Incorporation election" means the election authorized by Section 10-2-111.
- 191 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.
- 192 (18) "Individual" means a natural person.
- 193 (19) "Interim report" means a report identifying the contributions received and
194 expenditures made since the last report.
- 195 (20) "Legislative office" means the office of state senator, state representative, speaker
196 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
197 whip of any party caucus in either house of the Legislature.

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

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

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

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

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

210 [~~(23)~~] (22) "Officeholder" means a person who holds a public office.

211 [~~(24)~~] (23) "Party committee" means any committee organized by or authorized by the
212 governing board of a registered political party.

213 [~~(25)~~] (24) "Person" means both natural and legal persons, including individuals,
214 business organizations, personal campaign committees, party committees, political action
215 committees, political issues committees, [~~labor unions,~~] and labor organizations, as defined in
216 Section 20A-11-1501.

217 [~~(26)~~] (25) "Personal campaign committee" means the committee appointed by a
218 candidate to act for the candidate as provided in this chapter.

219 [~~(27)~~] (26) (a) "Political action committee" means an entity, or any group of
220 individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

230 (i) a party committee;

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

233 (iii) an individual;

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

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

238 (vi) a personal campaign committee.

239 ~~[(28)]~~ (27) "Political convention" means a county or state political convention held by
240 a registered political party to select candidates.

241 ~~[(29)]~~ (28) (a) "Political issues committee" means an entity, or any group of
242 individuals or entities within or outside this state, a major purpose of which is to:

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

247 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
248 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
249 proposed ballot proposition or an incorporation in an incorporation election; or

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

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

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

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

256 (iii) an individual;

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

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

261 [~~30~~] (29) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

277 [~~31~~] (30) (a) "Political issues expenditure" means any of the following:

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

280 (A) a ballot proposition; or

281 (B) an incorporation petition or incorporation election;

282 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
283 for the express purpose of influencing the approval or the defeat of:
284 (A) a ballot proposition; or
285 (B) an incorporation petition or incorporation election;
286 (iii) an express, legally enforceable contract, promise, or agreement to make any
287 political issues expenditure;
288 (iv) compensation paid by a reporting entity for personal services rendered by a person
289 without charge to a political issues committee; or
290 (v) goods or services provided to or for the benefit of another reporting entity at less
291 than fair market value.

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

297 ~~[(32)]~~ (31) "Political purposes" means an act done with the intent or in a way to
298 influence or tend to influence, directly or indirectly, any person to refrain from voting or to
299 vote for or against any candidate ~~[for public office]~~ or a person seeking a municipal or county
300 office at any caucus, political convention, ~~[primary,]~~ or election.

301 ~~[(33)]~~ (32) "Primary election" means any regular primary election held under the
302 election laws.

303 ~~[(34)]~~ (33) "Public office" means the office of governor, lieutenant governor, state
304 auditor, state treasurer, attorney general, state or local school board member, state senator,
305 state representative, speaker of the House of Representatives, president of the Senate, and the
306 leader, whip, and assistant whip of any party caucus in either house of the Legislature.

307 ~~[(35)]~~ (34) (a) "Public service assistance" means the following when given or provided
308 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
309 communicate with the officeholder's constituents:

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

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

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

315 (i) anything provided by the state;

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

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

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

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

324 [~~(36)~~] (35) "Publicly identified class of individuals" means a group of 50 or more
325 individuals sharing a common occupation, interest, or association that contribute to a political
326 action committee or political issues committee and whose names can be obtained by
327 contacting the political action committee or political issues committee upon whose financial
328 [~~report they~~] statement the individuals are listed.

329 [~~(37)~~] (36) "Receipts" means contributions and public service assistance.

330 [~~(38)~~] (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
331 Lobbyist Disclosure and Regulation Act.

332 [~~(39)~~] (38) "Registered political action committee" means any political action
333 committee that is required by this chapter to file a statement of organization with the
334 lieutenant governor's office.

335 [~~(40)~~] (39) "Registered political issues committee" means any political issues
336 committee that is required by this chapter to file a statement of organization with the
337 lieutenant governor's office.

338 ~~[(41)]~~ (40) "Registered political party" means an organization of voters that:
339 (a) participated in the last regular general election and polled a total vote equal to 2%
340 or more of the total votes cast for all candidates for the United States House of Representatives
341 for any of its candidates for any office; or
342 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter
343 8, Political Party Formation and Procedures.
344 (41) (a) "Remuneration" means a payment:
345 (i) made to a legislator for the period the Legislature is in session; and
346 (ii) that is approximately equivalent to an amount a legislator would have earned
347 during the period the Legislature is in session in the legislator's ordinary course of business.
348 (b) "Remuneration" does not mean anything of economic value given to a legislator
349 by:
350 (i) the legislator's primary employer in the ordinary course of business; or
351 (ii) a person or entity in the ordinary course of business:
352 (A) because of the legislator's ownership interest in the entity; or
353 (B) for services rendered by the legislator on behalf of the person or entity.
354 (42) "Reporting entity" means a candidate, a candidate's personal campaign
355 committee, a judge, a judge's personal campaign committee, an officeholder, a party
356 committee, a political action committee, ~~[and]~~ a political issues committee, a corporation, or a
357 labor organization, as defined in Section 20A-11-1501.
358 (43) "School board office" means the office of state school board or local school
359 board.
360 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or
361 intangible asset that comprises the contribution.
362 (b) "Source" means, for political action committees and corporations, the political
363 action committee and the corporation as entities, not the contributors to the political action
364 committee or the owners or shareholders of the corporation.
365 (45) "State office" means the offices of governor, lieutenant governor, attorney

366 general, state auditor, and state treasurer.

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

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

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

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

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

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

377 **20A-11-103. Notice of pending interim and summary reports -- Form of**
378 **submission -- Public availability.**

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

387 (i) that the financial statement is due;

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

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

390 [~~(iii) if the notification is sent to a judge in reference to the interim report due before~~
391 ~~the regular general election, or to a candidate in reference to an interim report due before the~~
392 ~~regular primary election, on August 31, or before the regular general election, that if the report~~
393 ~~is not timely filed, voters will be informed that the candidate or judge has been disqualified~~

394 and any votes cast for the candidate or judge will not be counted;]

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

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

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

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

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

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

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

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

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

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

419 ~~[(2) Persons or entities submitting financial statements required by this chapter may~~
420 ~~submit them: (a) on paper, printed, typed, or legibly handwritten or hand printed; (b) on a~~
421 ~~computer disk according to specifications established by the chief election officer that protect~~

422 against fraudulent filings and secure the accuracy of the information contained on the
423 computer disk; ~~(c) via fax; or]~~

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

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

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

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

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

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

436 (a) make each campaign finance statement filed by a candidate available for public
437 inspection and copying no later than one business day after the statement is filed; and

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

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

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

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

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

451 **20A-11-203. State office candidate -- Financial reporting requirements --**
452 **Year-end summary report.**

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

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

459 (2) (a) Each summary report shall include the following information as of December
460 31 of the previous year:

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

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

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

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

468 (v) for each nonmonetary contribution:

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

471 (B) a specific description of the contribution;

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

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

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

477 (b) (i) For all single contributions or public service assistance of \$50 or less, a single

478 aggregate figure may be reported without separate detailed listings.

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

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

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

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

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

493 **20A-11-204. State office candidate -- Financial reporting requirements --**

494 **Interim reports.**

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

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

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

499 (c) August 31; and

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

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

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

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

505 (c) a single figure equal to the total amount of expenditures reported on all prior

506 interim reports, if any, filed during the calendar year in which the interim report is due;

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

509 (e) for each nonmonetary contribution:

510 (i) the fair market value of the contribution with that information provided by the
511 contributor; and

512 (ii) a specific description of the contribution;

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

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

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

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

520 (i) beginning balance;

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

522 (iii) total contributions to date;

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

524 (v) total expenditures to date.

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

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

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

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

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

535 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

536 (1) (a) If a state office candidate fails to file an interim report due before the regular
537 primary election, on August 31, or before the regular general election, the lieutenant governor
538 shall, after making a reasonable attempt to discover if the report was timely ~~[mailed;]~~ filed:

539 (i) inform the county clerk and other appropriate election officials who:

540 ~~[(i)]~~ (A) (I) shall, if practicable, remove the name of the candidate ~~[by blacking out the~~
541 ~~candidate's name]~~ from the ballots before the ballots are delivered to voters; or

542 ~~[(ii)]~~ (II) shall, if removing the candidate's name from the ballot is not practicable,
543 inform the voters by any practicable method that the candidate has been disqualified and that
544 votes cast for the candidate will not be counted; and

545 ~~[(iii)]~~ (B) may not count any votes for that candidate~~[-]; and~~

546 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

550 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
551 disqualified and the lieutenant governor may not impose a fine if:

552 (i) the candidate timely files the reports required by this section no later than the due
553 date in accordance with Section 20A-11-103;

554 (ii) ~~[those]~~ the reports are completed, detailing accurately and completely the
555 information required by this part except for inadvertent omissions or insignificant errors or
556 inaccuracies; and

557 (iii) ~~[those]~~ the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
558 corrected in:

559 (A) an amended report; or ~~[in]~~

560 (B) the next scheduled report.

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

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

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

564 and

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

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

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

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

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

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

580 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
581 **Year-end summary report.**

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

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

588 (2) (a) Each summary report shall include the following information as of December
589 31 of the previous year:

- 590 (i) the net balance of the last [~~summary report~~] financial statement, if any;
- 591 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
592 if any, during the calendar year in which the summary report is due;
- 593 (iii) a single figure equal to the total amount of expenditures reported on all interim
594 reports, if any, filed during the previous year;
- 595 (iv) a detailed listing of each receipt, contribution, and public service assistance since
596 the last summary report that has not been reported in detail on an interim report;
- 597 (v) for each nonmonetary contribution:
- 598 (A) the fair market value of the contribution with that information provided by the
599 contributor; and
- 600 (B) a specific description of the contribution;
- 601 (vi) a detailed listing of each expenditure made since the last summary report that has
602 not been reported in detail on an interim report;
- 603 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 604 (viii) a net balance for the year consisting of the net balance from the last summary
605 report, if any, plus all receipts minus all expenditures.
- 606 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
607 single aggregate figure may be reported without separate detailed listings.
- 608 (ii) Two or more contributions from the same source that have an aggregate total of
609 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 610 (c) In preparing the report, all receipts and expenditures shall be reported as of
611 December 31 of the previous year.
- 612 (d) A check or negotiable instrument received by a legislative office candidate on or
613 before December 31 of the previous year shall be included in the summary report.
- 614 (3) [~~The summary report shall contain a paragraph signed by the~~] The legislative
615 office candidate [~~certifying~~] shall certify in the summary report that to the best of the
616 candidate's knowledge, all receipts and all expenditures have been reported as of December 31
617 of the previous year and that there are no bills or obligations outstanding and unpaid except as

618 set forth in that report.

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

620 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**

621 **Interim reports.**

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

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

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

626 (c) August 31; and

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

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

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

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

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

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

636 (e) for each nonmonetary contribution:

637 (i) the fair market value of the contribution with that information provided by the
638 contributor; and

639 (ii) a specific description of the contribution;

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

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

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

- 646 (i) a summary page in the form required by the lieutenant governor that identifies:
- 647 (i) beginning balance;
- 648 (ii) total contributions during the period since the last statement;
- 649 (iii) total contributions to date;
- 650 (iv) total expenditures during the period since the last statement; and
- 651 (v) total expenditures to date.

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

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

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

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

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

662 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

663 (1) (a) If a legislative office candidate fails to file an interim report due before the
 664 regular primary election, on August 31, or before the regular general election, the lieutenant
 665 governor shall, after making a reasonable attempt to discover if the report was timely [~~mailed;~~]
 666 filed:

667 (i) inform the county clerk and other appropriate election officials who:

668 [(i)] (A) (I) shall, if practicable, remove the name of the candidate [~~by blacking out the~~
 669 ~~candidate's name~~] from the ballots before the ballots are delivered to voters; or

670 [(ii)] (II) shall, if removing the candidate's name from the ballot is not practicable,
 671 inform the voters by any practicable method that the candidate has been disqualified and that
 672 votes cast for the candidate will not be counted; and

673 [(iii)] (B) may not count any votes for that candidate[~~;~~]; and

674 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

678 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
679 disqualified and the lieutenant governor may not impose a fine if:

680 (i) the candidate timely files the reports required by this section no later than the due
681 date in accordance with Section 20A-11-103;

682 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
683 information required by this part except for inadvertent omissions or insignificant errors or
684 inaccuracies; and

685 (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
686 corrected in:

687 (A) an amended report; or [~~m~~]

688 (B) the next scheduled report.

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

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

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

694 (b) If it appears that any legislative office candidate has failed to file the summary
695 report required by law, if it appears that a filed summary report does not conform to the law, or
696 if the lieutenant governor has received a written complaint alleging a violation of the law or
697 the falsity of any summary report, the lieutenant governor shall, within five days of discovery
698 of a violation or receipt of a written complaint, notify the legislative office candidate of the
699 violation or written complaint and direct the legislative office candidate to file a summary
700 report correcting the problem.

701 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a

702 summary report within 14 days after receiving notice from the lieutenant governor under this
703 section.

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

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

708 Section 9. Section **20A-11-403** is amended to read:

709 **20A-11-403. Failure to file -- Penalties.**

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

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

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

714 (2) If it appears that any officeholder has failed to file the summary report required by
715 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
716 governor has received a written complaint alleging a violation of the law or the falsity of any
717 summary report, the lieutenant governor shall[~~;~~]:

718 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005;

719 and

720 (b) within five days of discovery of a violation or receipt of a written complaint, notify
721 the officeholder of the violation or written complaint and direct the officeholder to file a
722 summary report correcting the problem.

723 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
724 within 14 days after receiving notice from the lieutenant governor under this section.

725 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
726 misdemeanor.

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

729 Section 10. Section **20A-11-507** is amended to read:

730 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

753 (i) beginning balance;

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

755 (iii) total contributions to date;

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

757 (v) total expenditures to date.

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

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

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

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

765 **20A-11-508. Political party reporting requirements -- Criminal penalties --**
766 **Fines.**

767 (1) (a) Each registered political party that fails to file the interim reports due before the
768 regular primary election, on August 31, or before the regular general election is:

769 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

770 (ii) guilty of a class B misdemeanor.

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

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

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

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

777 (3) If it appears that any political party has failed to file a report required by law, if it
778 appears that a filed report does not conform to the law, or if the lieutenant governor has
779 received a written complaint alleging a violation of the law or the falsity of any report, the
780 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
781 complaint, notify the political party of the violation or written complaint and direct the
782 political party to file a summary report correcting the problem.

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

785 (b) Each political party who violates Subsection (4)(a) is guilty of a class B

786 misdemeanor.

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

789 Section 12. Section **20A-11-602** is amended to read:

790 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

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

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

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

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

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

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

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

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

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

- 814 contribution;
- 815 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 816 (v) the name and address of each reporting entity that received an expenditure from
817 the reporting political action committee, and the amount of each expenditure;
- 818 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 819 (vii) the total amount of contributions received and expenditures disbursed by the
820 reporting political action committee;
- 821 (viii) a ~~[paragraph signed]~~ statement by the political action committee's treasurer or
822 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
823 knowledge, the financial report is accurate; and
- 824 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 825 (A) beginning balance;
- 826 (B) total contributions during the period since the last statement;
- 827 (C) total contributions to date;
- 828 (D) total expenditures during the period since the last statement; and
- 829 (E) total expenditures to date.
- 830 (b) (i) Contributions received by a political action committee that have a value of \$50
831 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 832 (ii) Two or more contributions from the same source that have an aggregate total of
833 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 834 (3) A group or entity may not divide or separate into units, sections, or smaller groups
835 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
836 shall prevail over form in determining the scope or size of a political action committee.
- 837 Section 13. Section **20A-11-603** is amended to read:
- 838 **20A-11-603. Criminal penalties -- Fines.**
- 839 (1) (a) Each political action committee that fails to file the financial statement due
840 before the regular primary election, on August 31, or before the regular general session is:
- 841 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

842 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

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

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

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

862 Section 14. Section **20A-11-701** is amended to read:

863 **20A-11-701. Campaign financial reporting by corporations -- Filing**
864 **requirements -- Statement contents.**

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

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

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

870 ~~[(it)]~~ (iii) on August 31; and
871 ~~[(iii)]~~ (iv) seven days before the regular general election date.
872 (b) The corporation shall report:
873 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~
874 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
875 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing
876 date of the financial statement~~[-];~~ and
877 (iii) whether the corporation, including an officer, director, spouse, or person with at
878 least 10% ownership in the corporation:
879 (A) has bid since the last financial statement on a contract, as defined in Section
880 63G-6-103, in excess of \$100,000;
881 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
882 \$100,000; or
883 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.
884 (c) The corporation need not file a financial statement under this section if ~~[it]~~ the
885 corporation made no expenditures during the reporting period.
886 (2) ~~[That]~~ The financial statement shall include:
887 (a) the name and address of each reporting entity that received an expenditure from the
888 corporation, and the amount of each expenditure;
889 (b) the total amount of expenditures disbursed by the corporation; and
890 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
891 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
892 financial ~~[report]~~ statement.
893 Section 15. Section **20A-11-702** is amended to read:
894 **20A-11-702. Campaign financial reporting of political issues expenditures by**
895 **corporations -- Financial reporting.**
896 (1) (a) Each corporation that has made political issues expenditures on current or
897 proposed ballot issues that total at least \$750 during a calendar year shall file a verified

898 financial statement with the lieutenant governor's office ~~[on]~~:
899 (i) on January 10, reporting expenditures as of December 31 of the previous year;
900 (ii) seven days before the regular primary election date;
901 ~~[(ii)]~~ (iii) on August 31; and
902 ~~[(iii)]~~ (iv) seven days before the regular general election date.
903 (b) The corporation shall report:
904 (i) a detailed listing of all expenditures made since the last statement; and
905 (ii) for financial statements ~~[filed on August 31 and before the primary and general~~
906 ~~elections]~~ under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the
907 required filing date of the financial statement.
908 (c) The corporation need not file a statement under this section if it made no
909 expenditures during the reporting period.
910 (2) That statement shall include:
911 (a) the name and address of each individual, entity, or group of individuals or entities
912 that received a political issues expenditure of more than \$50 from the corporation, and the
913 amount of each political issues expenditure;
914 (b) the total amount of political issues expenditures disbursed by the corporation; and
915 (c) ~~[a paragraph signed]~~ a statement by the corporation's treasurer or chief financial
916 officer ~~[verifying]~~ certifying the accuracy of the verified financial statement.
917 Section 16. Section **20A-11-703** is amended to read:
918 **20A-11-703. Criminal penalties -- Fines.**
919 (1) Within 30 days after a deadline for the filing of any statement required by this part,
920 the lieutenant governor shall review each filed statement to ensure that:
921 (a) each corporation that is required to file a statement has filed one; and
922 (b) each statement contains the information required by this part.
923 (2) If it appears that any corporation has failed to file any statement, if it appears that a
924 filed statement does not conform to the law, or if the lieutenant governor has received a written
925 complaint alleging a violation of the law or the falsity of any statement, the lieutenant

926 governor shall[-];

927 (a) impose a fine against the corporation in accordance with Section 20A-11-1005;

928 and

929 (b) within five days of discovery of a violation or receipt of a written complaint, notify
930 the corporation of the violation or written complaint and direct the corporation to file a
931 statement correcting the problem.

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

934 (b) Each corporation [~~who~~] that violates Subsection (3)(a) is guilty of a class B
935 misdemeanor.

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

938 Section 17. Section **20A-11-802** is amended to read:

939 **20A-11-802. Political issues committees -- Financial reporting.**

940 (1) (a) Each registered political issues committee that has received political issues
941 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
942 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
943 governor's office:

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

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

948 (iii) at least three days before the first public hearing held as required by Section
949 20A-7-204.1;

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

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

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

954 (v) on August 31; and
955 (vi) seven days before the regular general election.
956 (b) The political issues committee shall report:
957 (i) a detailed listing of all contributions received and expenditures made since the last
958 statement; and
959 (ii) for financial statements filed on August 31 and before the general election, all
960 contributions and expenditures as of three days before the required filing date of the financial
961 statement.
962 (c) The political issues committee need not file a statement under this section if it
963 received no contributions and made no expenditures during the reporting period.
964 (2) (a) That statement shall include:
965 (i) the name[;] and address[; ~~and occupation~~] of any individual that makes a political
966 issues contribution to the reporting political issues committee, and the amount of the political
967 issues contribution;
968 (ii) the identification of any publicly identified class of individuals that makes a
969 political issues contribution to the reporting political issues committee, and the amount of the
970 political issues contribution;
971 (iii) the name and address of any political issues committee, group, or entity that
972 makes a political issues contribution to the reporting political issues committee, and the
973 amount of the political issues contribution;
974 (iv) the name and address of each reporting entity that makes a political issues
975 contribution to the reporting political issues committee, and the amount of the political issues
976 contribution;
977 (v) for each nonmonetary contribution, the fair market value of the contribution;
978 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
979 entity, or group of individuals or entities that received a political issues expenditure of more
980 than \$50 from the reporting political issues committee, and the amount of each political issues
981 expenditure;

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

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

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

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

989 (A) beginning balance;

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

991 (C) total contributions to date;

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

993 (E) total expenditures to date.

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

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

1000 (c) When reporting political issue expenditures made to circulators of initiative
1001 petitions, the political issues committee:

1002 (i) need only report the amount paid to each initiative petition circulator; and

1003 (ii) need not report the name or address of the circulator.

1004 Section 18. Section **20A-11-901** is amended to read:

1005 **20A-11-901. Political advertisements -- Requirement that ads designate**
1006 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**
1007 **endorsements.**

1008 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
1009 advertisement expressly advocating the election or defeat of a clearly identified candidate, or

1010 solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
1011 advertising facility, direct mailing, or any other type of general public political advertising, the
1012 advertisement:

1013 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1014 shall clearly state that the advertisement has been paid for by the candidate or the campaign
1015 committee;

1016 (ii) if paid for by another person but authorized by a candidate or the candidate's
1017 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1018 or the campaign committee authorized the advertisement; or

1019 (iii) if not authorized by a candidate or his campaign committee, shall clearly state the
1020 name of the person who paid for the advertisement and state that the advertisement is not
1021 authorized by any candidate or candidate's committee.

1022 (b) The requirements of Subsection (1)(a) do not apply to:

1023 (i) lawn signs with dimensions of four by eight feet or smaller;

1024 (ii) bumper stickers;

1025 (iii) campaign pins, buttons, and pens; and

1026 (iv) similar small items upon which the disclaimer cannot be conveniently printed.

1027 (2) (a) A person who pays for an electioneering communication shall file a report with
1028 the lieutenant governor within 24 hours of making the payment or entering into a contract to
1029 make the payment.

1030 (b) The report shall include:

1031 (i) the name and street address of the person described in Subsection (2)(a);

1032 (ii) the name and address of each person contributing at least \$100 to the person
1033 described in Subsection (2)(a) for the purpose of disseminating the electioneering
1034 communication;

1035 (iii) the amount spent on the electioneering communication;

1036 (iv) the name of the identified referenced candidate; and

1037 (v) the medium used to disseminate the electioneering communication.

1038 ~~[(2)]~~ (3) A person may not, in order to promote the success of any candidate for
1039 nomination or election to any public office, or in connection with any question submitted to
1040 the voters, include or cause to be included the name of any person as endorser or supporter in
1041 any political advertisement, circular, poster, or publication without the express consent of that
1042 person.

1043 ~~[(3)]~~ (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
1044 any newspaper or other periodical to induce him to advocate or oppose editorially any
1045 candidate for nomination or election.

1046 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
1047 advocate or oppose editorially any candidate for nomination or election.

1048 Section 19. Section **20A-11-904** is enacted to read:

1049 **20A-11-904. Contribution given in another's name prohibited.**

1050 A person may not:

1051 (1) make a contribution in the name of another;

1052 (2) knowingly permit another to make a contribution in the person's name; or

1053 (3) knowingly accept a contribution made by one person in the name of another.

1054 Section 20. Section **20A-11-1001** is amended to read:

1055 **20A-11-1001. Electronic form prepared by chief election officer.**

1056 The chief election officer shall:

1057 (1) develop and prepare ~~[forms for all]~~ an electronic form for all financial statements
1058 required by this chapter; and

1059 (2) provide ~~[copies of the forms]~~ access to the electronic form to the secretary of every
1060 committee, to every candidate, and to all others who request them.

1061 Section 21. Section **20A-11-1002** is amended to read:

1062 **20A-11-1002. Retention and public inspection of financial statements -- Written**
1063 **complaint if statement is false or unlawful.**

1064 (1) The chief election officer shall:

1065 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1066 Judicial Retention Elections:

1067 (i) open to public inspection in the office of the chief election officer; and

1068 (ii) available for viewing on the Internet [~~at the lieutenant governor's website within~~

1069 ~~seven calendar days after the report is received by the chief election officer]~~ in accordance

1070 with Section 20A-11-103;

1071 (b) preserve those statements for at least five years; and

1072 (c) provide certified copies of the financial statements in the same manner as for other
1073 public records.

1074 (2) Any candidate or voter may file a written complaint with the chief election officer
1075 alleging that a filed financial statement does not conform to law or to the truth.

1076 Section 22. Section **20A-11-1005** is enacted to read:

1077 **20A-11-1005. Fines for failing to file a financial statement.**

1078 (1) The chief election officer shall fine a filing entity \$100 for failing to file a financial
1079 statement by the filing deadline.

1080 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
1081 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine
1082 against the candidate or treasurer, as appropriate.

1083 (3) The chief election officer shall deposit fines collected under this chapter in the
1084 General Fund.

1085 Section 23. Section **20A-11-1301** is amended to read:

1086 **20A-11-1301. School board office candidate -- Campaign requirements.**

1087 (1) Each school board office candidate shall deposit each contribution and public
1088 service assistance received in one or more separate accounts in a financial institution that are
1089 dedicated only to that purpose.

1090 (2) A school board office candidate may not deposit or mingle any contributions or
1091 public service assistance received into a personal or business account.

1092 (3) A school board office candidate may not make any political expenditures
1093 prohibited by law.

1094 (4) If a person who is no longer a school board candidate chooses not to expend the
1095 monies remaining in a campaign account, the person shall continue to file the year-end
1096 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1097 summary report required by Section 20A-11-1304 are filed with:

1098 (a) the lieutenant governor in the case of a state school board candidate; and

1099 (b) the county clerk, in the case of a local school board candidate.

1100 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1101 is no longer a school board candidate may not expend or transfer the monies in a campaign
1102 account in a manner that would cause the former school board candidate to recognize the
1103 monies as taxable income under federal tax law.

1104 (b) A person who is no longer a school board candidate may transfer the monies in a
1105 campaign account in a manner that would cause the former school board candidate to
1106 recognize the monies as taxable income under federal tax law if the transfer is made to a
1107 campaign account for federal office.

1108 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1109 (i) for a cash contribution, that the cash is given to a ~~[legislative]~~ school board office
1110 candidate or a member of the candidate's personal campaign committee;

1111 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1112 instrument or check is negotiated; and

1113 (iii) for any other type of contribution, that any portion of the contribution's benefit
1114 inures to the ~~[legislative]~~ school board office candidate.

1115 (b) Each school board office candidate shall report to the chief election officer each
1116 contribution and public service assistance ~~[to the lieutenant governor]~~ within 30 days after the
1117 contribution or public service assistance is received.

1118 Section 24. Section **20A-11-1302** is amended to read:

1119 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1120 **-- Year-end summary report.**

1121 (1) (a) Each school board office candidate shall file a summary report by January 10 of

1122 the year after the regular general election year.

1123 (b) ~~[Beginning with the 2008 regular general election and in]~~ In addition to the
1124 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
1125 statement of dissolution and final summary report required under Section 20A-11-1304 shall
1126 continue to file a summary report on January 10 of each year.

1127 (2) (a) Each summary report shall include the following information as of December
1128 31 of the previous year:

1129 (i) the net balance of the last ~~[summary report]~~ financial statement, if any;

1130 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1131 if any, during the previous year;

1132 (iii) a single figure equal to the total amount of expenditures reported on all interim
1133 reports, if any, filed during the previous year;

1134 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1135 the last summary report that has not been reported in detail on an interim report;

1136 (v) for each nonmonetary contribution:

1137 (A) the fair market value of the contribution with that information provided by the
1138 contributor; and

1139 (B) a specific description of the contribution;

1140 (vi) a detailed listing of each expenditure made since the last summary report that has
1141 not been reported in detail on an interim report;

1142 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1143 (viii) a net balance for the year consisting of the net balance from the last summary
1144 report, if any, plus all receipts minus all expenditures.

1145 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1146 single aggregate figure may be reported without separate detailed listings.

1147 (ii) Two or more contributions from the same source that have an aggregate total of
1148 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1149 (c) In preparing the report, all receipts and expenditures shall be reported as of

1150 December 31 of the previous year.

1151 (d) A check or negotiable instrument received by a school board office candidate on or
1152 before December 31 of the previous year shall be included in the summary report.

1153 (3) [~~The summary report shall contain a paragraph signed by the~~] The school board
1154 office candidate [certifying] shall certify in the summary report that, to the best of the school
1155 board office candidate's knowledge, all receipts and all expenditures have been reported as of
1156 December 31 of the previous year and that there are no bills or obligations outstanding and
1157 unpaid except as set forth in that report.

1158 Section 25. Section **20A-11-1303** is amended to read:

1159 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1160 **-- Interim reports.**

1161 (1) Each school board office candidate shall file an interim report at the following
1162 times in any year in which the candidate has filed a declaration of candidacy for a public
1163 office:

- 1164 (a) May 15, for state school board office candidates;
- 1165 (b) seven days before the regular primary election date;
- 1166 (c) August 31; and
- 1167 (d) seven days before the regular general election date.

1168 (2) Each interim report shall include the following information:

- 1169 (a) the net balance of the last summary report, if any;
- 1170 (b) a single figure equal to the total amount of receipts reported on all prior interim
1171 reports, if any, during the calendar year in which the interim report is due;
- 1172 (c) a single figure equal to the total amount of expenditures reported on all prior
1173 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1174 (d) a detailed listing of each contribution and public service assistance received since
1175 the last summary report that has not been reported in detail on a prior interim report;
- 1176 (e) for each nonmonetary contribution:
 - 1177 (i) the fair market value of the contribution with that information provided by the

1178 contributor; and
1179 (ii) a specific description of the contribution;
1180 (f) a detailed listing of each expenditure made since the last summary report that has
1181 not been reported in detail on a prior interim report;
1182 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
1183 (h) a net balance for the year consisting of the net balance from the last summary
1184 report, if any, plus all receipts since the last summary report minus all expenditures since the
1185 last summary report; and

1186 (i) a summary page in the form required by the lieutenant governor that identifies:
1187 (i) beginning balance;
1188 (ii) total contributions during the period since the last statement;
1189 (iii) total contributions to date;
1190 (iv) total expenditures during the period since the last statement; and
1191 (v) total expenditures to date.

1192 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
1193 single aggregate figure may be reported without separate detailed listings.

1194 (b) Two or more contributions from the same source that have an aggregate total of
1195 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1196 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1197 as of five days before the required filing date of the report.

1198 (b) Any negotiable instrument or check received by a school board office candidate
1199 more than five days before the required filing date of a report required by this section shall be
1200 [~~negotiated and~~] included in the interim report.

1201 Section 26. Section **20A-11-1305** is amended to read:

1202 **20A-11-1305. School board office candidate -- Failure to file statement --**

1203 **Penalties.**

1204 (1) (a) If a school board office candidate fails to file an interim report due before the
1205 regular primary election, on August 31, and before the regular general election, the chief

1206 election officer shall, after making a reasonable attempt to discover if the report was timely
1207 [~~mailed;~~] filed:

1208 (i) inform the county clerk and other appropriate election officials who:
1209 ~~[(i)]~~ (A) (I) shall, if practicable, remove the name of the candidate [~~by blacking out the~~
1210 ~~candidate's name~~] from the ballots before the ballots are delivered to voters; or
1211 ~~[(ii)]~~ (II) shall, if removing the candidate's name from the ballot is not practicable,
1212 inform the voters by any practicable method that the candidate has been disqualified and that
1213 votes cast for candidate will not be counted; and
1214 ~~[(iii)]~~ (B) may not count any votes for that candidate~~[-];~~ and
1215 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1216 (b) Any school board office candidate who fails to file timely a financial statement
1217 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
1218 Section 20A-1-501.

1219 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
1220 not disqualified and the chief election officer may not impose a fine if:

1221 (i) the candidate timely files the reports required by this section in accordance with
1222 Section 20A-11-103;

1223 (ii) those reports are completed, detailing accurately and completely the information
1224 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1225 and
1226 (iii) those omissions, errors, or inaccuracies [~~are~~] described in Subsection (1)(b)(ii) are
1227 corrected in:

1228 (A) an amended report; or [~~in~~]
1229 (B) the next scheduled report.

1230 (2) (a) Within 30 days after a deadline for the filing of a summary report by a
1231 candidate for state school board, the lieutenant governor shall review each filed summary
1232 report to ensure that:

1233 (i) each state school board candidate that is required to file a summary report has filed

1234 one; and

1235 (ii) each summary report contains the information required by this part.

1236 (b) If it appears that any state school board candidate has failed to file the summary
1237 report required by law, if it appears that a filed summary report does not conform to the law, or
1238 if the lieutenant governor has received a written complaint alleging a violation of the law or
1239 the falsity of any summary report, the lieutenant governor shall, within five days of discovery
1240 of a violation or receipt of a written complaint, notify the state school board candidate of the
1241 violation or written complaint and direct the state school board candidate to file a summary
1242 report correcting the problem.

1243 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1244 summary report within 14 days after receiving notice from the lieutenant governor under this
1245 section.

1246 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1247 class B misdemeanor.

1248 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1249 attorney general.

1250 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
1251 clerk shall review each filed summary report to ensure that:

1252 (i) each local school board candidate that is required to file a summary report has filed
1253 one; and

1254 (ii) each summary report contains the information required by this part.

1255 (b) If it appears that any local school board candidate has failed to file the summary
1256 report required by law, if it appears that a filed summary report does not conform to the law, or
1257 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1258 of any summary report, the county clerk shall, within five days of discovery of a violation or
1259 receipt of a written complaint, notify the local school board candidate of the violation or
1260 written complaint and direct the local school board candidate to file a summary report
1261 correcting the problem.

1262 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1263 summary report within 14 days after receiving notice from the county clerk under this section.

1264 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1265 class B misdemeanor.

1266 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1267 county attorney.

1268 Section 27. Section **20A-11-1501** is enacted to read:

1269 **Part 15. Campaign Financial Reporting by Labor Organizations**

1270 **20A-11-1501. Definitions.**

1271 As used in this part:

1272 (1) "Labor organization" means a lawful organization of any kind that is composed, in
1273 whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
1274 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
1275 employment, or other terms and conditions of employment.

1276 (2) "Labor organization" includes an employee association and union for employees of
1277 public and private sector employers.

1278 Section 28. Section **20A-11-1502** is enacted to read:

1279 **20A-11-1502. Campaign financial reporting of contributions -- Filing**
1280 **requirements -- Statement contents.**

1281 (1) (a) Each labor organization that has made expenditures for political purposes or
1282 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1283 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1284 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1285 (ii) seven days before the regular primary election date;

1286 (iii) on August 31; and

1287 (iv) seven days before the regular general election date.

1288 (b) The labor organization shall report:

1289 (i) a detailed listing of all expenditures made since the last statement; and

1290 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1291 expenditures as of five days before the required filing date of the financial statement.
1292 (c) The labor organization need not file a financial statement under this section if the
1293 labor organization:
1294 (i) made no expenditures during the reporting period; or
1295 (ii) reports its expenditures during the reporting period under another part of this
1296 chapter.
1297 (2) The financial statement shall include:
1298 (a) the name and address of each reporting entity that received an expenditure or
1299 political issues expenditure of more than \$50 from the labor organization, and the amount of
1300 each expenditure or political issues expenditure;
1301 (b) the total amount of expenditures disbursed by the labor organization; and
1302 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1303 the accuracy of the financial statement.
1304 Section 29. Section **20A-11-1503** is enacted to read:
1305 **20A-11-1503. Criminal penalties -- Fines.**
1306 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1307 the lieutenant governor shall review each filed statement to ensure that:
1308 (a) each labor organization that is required to file a statement has filed one; and
1309 (b) each statement contains the information required by this part.
1310 (2) If it appears that any labor organization has failed to file any statement, if it
1311 appears that a filed statement does not conform to the law, or if the lieutenant governor has
1312 received a written complaint alleging a violation of the law or the falsity of any statement, the
1313 lieutenant governor shall:
1314 (a) impose a fine against the labor organization in accordance with Section
1315 20A-11-1005; and
1316 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1317 the labor organization of the violation or written complaint and direct the labor organization to

1318 file a statement correcting the problem.

1319 (3) (a) It is unlawful for any labor organization to fail to file or amend a statement
1320 within 14 days after receiving notice from the lieutenant governor under this section.

1321 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
1322 misdemeanor.

1323 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1324 attorney general.

1325 Section 30. Section **20A-12-303** is amended to read:

1326 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1327 (1) The judge or the judge's personal campaign committee shall deposit each
1328 contribution in one or more separate personal campaign accounts in a financial institution.

1329 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1330 any contributions received into a personal or business account.

1331 (3) (a) As used in this Subsection (3), "received" means:

1332 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1333 campaign committee;

1334 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1335 instrument or check is negotiated; and

1336 (iii) for any other type of contribution, that any portion of the contribution's benefit
1337 inures to the judge.

1338 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1339 governor each contribution within 30 days after the contribution is received.

1340 Section 31. Section **20A-12-304** is amended to read:

1341 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1342 **requirements -- Year-end summary report.**

1343 (1) The judge's personal campaign committee shall file a summary report with the
1344 lieutenant governor by January 10 of the year after the regular general election year.

1345 (2) (a) Each summary report shall include the following information as of December

1346 31 of the last regular general election year:

1347 (i) a single figure equal to the total amount of contributions reported on the interim
1348 report;

1349 (ii) a single figure equal to the total amount of expenditures reported on the interim
1350 report;

1351 (iii) a detailed listing of each contribution received since the last summary report that
1352 has not been reported in detail on the interim report;

1353 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1354 (v) a detailed listing of each expenditure made since the last summary report that has
1355 not been reported in detail on the interim report;

1356 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
1357 (vii) the net balance for the year, consisting of all contributions minus all
1358 expenditures.

1359 (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported
1360 without a separate detailed listing.

1361 (ii) Two or more contributions from the same source for a total of more than \$50 may
1362 not be reported in the aggregate, but shall be reported in the detailed listing.

1363 (c) A check or negotiable instrument received by a judge or the judge's personal
1364 campaign committee on or before December 31 of the previous year shall be reported in the
1365 summary report.

1366 (3) [~~The summary report shall contain a statement signed by the~~] The judge
1367 [certifying] shall certify in the summary report that, to the best of the judge's knowledge, all
1368 contributions and all expenditures have been reported as of December 31 of the last regular
1369 general election year and that there are no financial obligations outstanding except as set forth
1370 in the report.

1371 Section 32. Section **20A-12-305** is amended to read:

1372 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1373 **requirements -- Interim report.**

1374 (1) The judge's personal campaign committee shall file an interim report with the
1375 lieutenant governor [~~no later than 5 p.m.~~] before the close of normal office hours on the date
1376 seven days before the regular general election date.

1377 (2) Each interim report shall include the following information:

1378 (a) a detailed listing of each contribution received since the last [~~summary report~~]
1379 financial statement;

1380 (b) for each nonmonetary contribution, the fair market value of the contribution;

1381 (c) a detailed listing of each expenditure made since the last summary report;

1382 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1383 (e) a net balance for the year consisting of all contributions since the last summary
1384 report minus all expenditures since the last summary report.

1385 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
1386 reported without separate detailed listings.

1387 (b) Two or more contributions from the same source that have an aggregate total of
1388 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1389 (4) In preparing each interim report, all contributions and expenditures shall be
1390 reported as of five days before the required filing date of the report.

1391 (5) A negotiable instrument or check received by a judge or the judge's personal
1392 campaign committee more than five days before the required filing date of a report required by
1393 this section shall be included in the interim report.

1394 Section 33. Section **20A-12-306** is amended to read:

1395 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1396 (1) (a) If a judge's personal campaign committee fails to file the interim report due
1397 before the regular general election, the lieutenant governor shall, after making a reasonable
1398 attempt to discover if the report was timely [~~mailed,~~] filed:

1399 (i) inform the county clerk and other appropriate election officials who:

1400 [(i)] (A) (I) shall, if practicable, remove the name of the judge [~~by blacking out the~~
1401 ~~judge's name~~] from the ballots before the ballots are delivered to voters; or

1402 [(ii)] (II) shall, if removing the judge's name from the ballot is not practicable, inform
1403 the voters by any practicable method that the judge has been disqualified and that votes cast
1404 for the judge will not be counted; and

1405 [(iii)] (B) may not count any votes for that judge[-]; and
1406 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

1407 (b) Any judge who fails to file timely a financial statement required by this part is
1408 disqualified.

1409 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the
1410 lieutenant governor may not impose a fine if:

1411 (i) the candidate timely files the reports required by this section in accordance with
1412 Section 20A-11-103;

1413 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
1414 information required by this part except for inadvertent omissions or insignificant errors or
1415 inaccuracies; and

1416 (iii) [~~those~~] the omissions, errors, or inaccuracies [~~are~~] described in Subsection
1417 (1)(b)(ii) are corrected in an amended report or in the next scheduled report.

1418 (2) (a) Within 30 days after a deadline for the filing of a summary report, the
1419 lieutenant governor shall review each filed summary report to ensure that:

1420 (i) each judge that is required to file a summary report has filed one; and

1421 (ii) each summary report contains the information required by this part.

1422 (b) If it appears that any judge has failed to file the summary report required by law, if
1423 it appears that a filed summary report does not conform to the law, or if the lieutenant
1424 governor has received a written complaint alleging a violation of the law or the falsity of any
1425 summary report, the lieutenant governor shall, within five days of discovery of a violation or
1426 receipt of a written complaint, notify the judge of the violation or written complaint and direct
1427 the judge to file a summary report correcting the problem.

1428 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
1429 days after receiving notice from the lieutenant governor under this section.

1430 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1431 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1432 attorney general.

1433 Section 34. **Effective date.**

1434 This bill takes effect on January 1, 2011.